

ADMINISTRATIVE PANEL DECISION

Woodbolt Distribution, LLC v. Ahmad Nasaan, Ultramade Nutrition & Beverages (FZE)

Case No. DAE2025-0001

1. The Parties

The Complainant is Woodbolt Distribution, LLC, United States of America ("United States"), represented by Polsinelli PC Law firm, United States.

The Respondent is Ahmad Nasaan, Ultramade Nutrition & Beverages (FZE)¹, United Arab Emirates ("UAE"), represented by Esnad Intellectual Property, UAE.

2. The Domain Name and Registrar

The disputed domain name <c5energy.ae> is registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 4, 2025. On January 6, 2025, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On January 7, 2025, AE Domain Administration (.aeDA) transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the "Policy"), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the "Rules"), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 14, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was February 3, 2025. The Respondent filed a Response on February 3, 2025.

¹ The Panel notes that according to the Verification Report from AE Domain Administration (.aeDA), the listed registrant of the disputed domain name is Ahmad Nasaan, Ultramade. In the Response, the Respondent confirms that the company's full name is Ultramade Nutrition & Beverages (FZE).

The Center appointed Assen Alexiev, Zineb Naciri Bennani and Warwick A. Rothnie as the panelists in this matter on February 26, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

On March 7, 2025, the Panel issued Administrative Panel Order No 1 pursuant to its powers under paragraphs 11(b) and 12 of the Rules. Some of the documents submitted by the Respondent were in languages other than English. By Administrative Panel Order No 1, the Panel invited the Respondent to submit translations into English if the Respondent wished them to be taken into account. The decision due date was extended to April 4, 2025.

The Respondent submitted translations of the requested documents on March 11 and March 17, 2025, respectively. On March 21, 2025, also in accordance with the Administrative Panel Order No 1, the Complainant submitted its comments in reply to the Respondent's submissions.

On April 3, 2025, the Respondent submitted a further unsolicited supplemental filing comprised of what appears to be an English translation of a decision by the Serbian Registrar of the Register of Business Entities. On April 8, 2025, the Complainant submitted a short response.

4. Factual Background

The Complainant (under the name Nutrabolt) has been manufacturing, marketing, distributing and selling dietary supplements and beverages and related products for over 20 years.

Since at least 2014, the Complainant has been manufacturing, distributing and selling a pre-workout dietary supplement product under and by reference to the brand name "C4". According to the Complaint, the Complainant's products are amongst the best-selling energy drinks in the United States. According to the decision of the Federal Court at Sharjah handed down on December 4, 2024, the Complainant's worldwide retail sales have reached approximately USD one billion annually.

This includes sales in the UAE where the Complainant's products have been on sale since 2017. In the UAE, the Complainant has also been active in promoting its C4 brand products through sponsorship of events such as The HeadsUp Games, WrestleFest DXB, Oxyben fitness competition and attendance at events such as the Binous Classic Championship and the Dubai Muscle Show.

For many years, the Complainant promoted its C4 brand products from a website at "www.c4energy.com". That domain name is still registered but now redirects to the product specific webpage at "www.cellucor.com/pages/c4-energy".

The Complaint includes evidence that the Complainant owns numerous registered trademark for, or including, "C4". For present purposes, it is sufficient to note:

- (1) UAE Registered Trademark No 262728, C4, which has been registered since March 28, 2018 in respect of a range of pharmaceutical and veterinary preparations and dietary substances in International Class 5;
- (2) UAE Registered Trademark No 312462, C4, which has been registered since September 29, 2019 in respect of pre-made carbonated and non-carbonated energy beverages in International Class 32;
- (3) European Union Registered Trademarks Nos 014894034 and 017884004, C4, which have been registered since, respectively, March 23, 2016 and August 4, 2018 in respect of dietary and nutritional supplements in International Class 5 and energy drinks in International Class 32;

(4) United States Registered Trademark No 6,487,156, C4 ENERGY, which has been registered in the Principal Register since September 14, 2021 in respect of non-alcoholic pre-made carbonated and non-carbonated energy drinks in International Class 32.

According to the Verification Report from AE Domain Administration (.aeDA), the disputed domain name was created on October 10, 2023.

On November 11, 2024, the disputed domain name resolved to a website offering for sale energy or pre-workout drinks and powders branded "C5". More recently, the disputed domain name has redirected to the website at "www.c5preworkout.com" also offering for sale a range of pre-workout and energy drinks and powders under the trademark C5.

On May 11, 2024, the Government of Dubai issued a commercial licence to C5 Food Supplements & Beverages Trading L.L.C, a company owned by the Respondent Ahmad Nasaan.

The Response also includes evidence that the Respondent, or his company Ultramade Nutrition & Beverages (FZE), has registered trademarks as follows:

- (1) UAE Registered Trademark No 393924, C5 (figurative), filed on March 13, 2023 and registered on January 30, 2024 in International Class 32 for Beer, mineral and sparkling waters and other non-alcoholic beverages, fruit drinks and fruit juices, energy drinks, syrups and other preparations for making beverages;
- (2) UAE Registered Trademark No 416778, C5energy.com C5energy.ae, filed on February 13, 2024 and registered on October 17, 2024 in International Class 45 for Domain name registration and protection;
- (3) UAE Registered Trademark No 420207, C5 (figurative), filed on March 30, 2023 and registered on August 7, 2024 in International Class 35 for Advertising services, business management and direction, and office activity activation;
- (4) UAE Registered Trademark No 416028, C5 (figurative), filed on February 1, 2024 and registered on November 16, 2024 in International Class 5 for Pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, dietetic substances and foodstuffs for medical or veterinary use and foodstuffs for infants and children, dietary supplements for humans and animals; plasters and dressings, dental filling materials and dental wax, disinfectants, preparations for the extermination of insects and vermin, fungicides and herbicides;
- (5) UAE Registered Trademark No 426986, C5 ENERGY.COM (figurative), filed on July 13, 2024 and registered on November 19, 2024 in International Class 35 for Advertising and business management and administration services;
- (6) Qatar Registered Trademark No 174575, C5 SUPERCHARGE (figurative), registered on January 26, 2025 in International Class 32 for Beer, mineral and sparkling waters and other non-alcoholic beverages, fruit drinks and fruit juices, energy drinks, syrups and other preparations for making beverages;
- (7) Algerian Registered Trademark No 135247, C5 EXTREME (figurative), registered from June 27, 2024 in International Class 5;
- (8) Djibouti Registered Trademark No DJ/M/2023/296, C5 EXTREME (figurative), registered from November 6, 2023 in International Class 32 for Beer and other beverages;
- (9) Syrian Arab Republic Registered Trademark No 180083, C5 (figurative), registered from August 11, 2024 in International Class 5;
- (10) Yemen Registered Trademark No 115364, C5 (figurative), registered from December 16, 2023 in International Class 5;

(11) Saudi Arabia Registered Trademark No TM-01-00-01038-24, C5 SUPERCHARGE (figurative), registered from January 12, 2024 in International Class 32;

(12) Syrian Arab Republic Registered Trademark No 181428, C5 SUPERCHARGE (figurative), registered from January 28, 2024 in International Class 32; and

(13) Bahrain Registered Trademark No 144398, C5 (figurative), registered from September 11, 2024 in International Class 32 for Beer and other beverages.

The Respondent's company also has a pending application for C5 (figurative) in the United States, Serial No 97835636, which was filed on March 13, 2023. That application, however, has been suspended since June 3, 2024 following notice of objection based on the Complainant's prior trademarks.

On July 31, 2023, the Respondent also applied to register the trademark for C5 (figurative) in the UAE, Registration No 393924, registered on January 30, 2024. According to the decision of the Federal Court at Sharjah handed down on December 4, 2024, the Complainant appears to have filed cancellation of this mark and the cancellation lawsuit is still ongoing.

On September 7, 2023, the Respondent company applied to register C5 EXTREME (figurative) in the United States, Serial No 98169592, in respect of beers and other beverages in International Class 32 but that application was abandoned in the face of conflict with the Complainant's prior registration.

On September 26, 2024, an individual known as Soumbhi Alissas registered in Greece a business in the wholesale trade in non-alcoholic beverages under the name C5 Nutrition and Beverages.

On January 22, 2024, the Respondent was ordered under the Uniform Domain Name Dispute Resolution Policy (UDRP) to transfer the domain name <c5energy.com> to the Complainant. *Woodbolt Distribution, LLC v. Ahmad Nassan, Ultramade Nutrition and Beverages (FZE)*, WIPO Case No. [D2023-4689](#).

On December 4, 2024, in a case brought by the Complainant the Federal Court of the UAE at Sharjah made the following Orders against the Respondent:

"1 - The Defendants are restrained from using the infringing mark 'C5' both within and outside the United Arab Emirates. They must also cease the production, marketing, sales, and distribution of beverages bearing the 'C5' mark, both inside and outside the country.

"2 - The Defendants are required to remove the infringing 'C5' mark from all commercial documents, promotional materials, and advertisements. They must also withdraw all products bearing the 'C5' mark from the local market.

"3 - The Defendants are ordered to pay the associated official fees and expenses, including 1,000 dirhams for attorney fees."

5. Discussion and Findings

Paragraph 6(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered or is being used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

As the supplemental filings received on March 11, 17 and 21, 2025 from, respectively, the Respondent and the Complainant were submitted consistently with the Administrative Panel Order No. 1, the Panel admits those documents into the record.

The supplemental filing received from the Respondent on April 3, 2025, however, has been submitted well outside the time frame prescribed in the Administrative Panel Order No.1, without explanation for the delay and at such short notice that the Complainant was not afforded a reasonable opportunity to assess it.

Ordinarily, the Panel would exclude such an unsolicited filing. The Complainant has been able to submit comments (albeit brief) and, for the reasons briefly addressed below, the unsolicited supplemental filing does not assist the Respondent.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.²

In the present case, the Complainant has proven ownership of numerous registrations for C4 and also C4 ENERGY including those specifically identified in section 4 above. All of which predate the registration of the disputed domain name by the Respondent.

Disregarding the ".ae" country code Top-Level-Domain ("ccTLD") as a functional aspect of the domain name system, the disputed domain name consists of the Complainant's registered trademark with the number "5" substituted for "4" or, in the case of the registrations for C4 alone, with the addition of the descriptive dictionary word "energy".

While the Respondent contends that this difference means there is no risk of confusion, that kind of simple typographical substitution has long been recognised as satisfying the requirement of confusing similarity under the Policy. See e.g. [WIPO Overview 3.0](#), section 1.9. It does so here.

If there were any doubt about that (which the Panel considers there is not), the Panel notes that both the United States Patent and Trademark Office and the Federal Court of the UAE at Sharjah have reached the same conclusion.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain names.

Paragraph 4(c) of the Policy sets out three examples of circumstances which can be situations in which the Respondent has rights or legitimate interests in a disputed domain name. These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

² Given the similarities between the .AE Policy and Rules and UDRP, the Panel considers some UDRP precedents as well as the applicable sections of the [WIPO Overview 3.0](#) relevant to the present proceeding and will refer to them where appropriate.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

There is no dispute between the Parties that:

- (1) The Respondent registered the disputed domain name after the Complainant began using the trademark and also after the Complainant had registered its trademark;
- (2) The Respondent is not affiliated with the Complainant;
- (3) The Complainant has not otherwise authorised the Respondent to use the disputed domain name;
- (4) The disputed domain name is not derived from the Respondent’s name.

In addition to the contention that the disputed domain name is not confusingly similar to the Complainant’s trademark, the Respondent claims it has a right to use the disputed domain name as a result of its registered trademarks and Dubai commercial licence and the business name registration in Greece.

The short answer to these contentions is that the Federal Court of the UAE at Sharjah considered the Respondent’s trademarks registered in the UAE and rejected them on the basis of the Complainant’s prior entitlement. Accordingly, the Federal Court of the UAE at Sharjah issued an order against the Respondent that it cease using the C5 trademark in connection with beverages whether in or outside the UAE.

While the Federal Court of the UAE at Sharjah’s decision refers to the cancellation proceedings against the Respondent’s trademark No 393924 as still pending, the Court’s decision acknowledges the superior title of the Complainant’s trademark based on its priority in time. Furthermore, the Court’s ruling included an injunction against the Respondent to stop using the C5 mark.

This means that the Respondent has no rights or legitimate interests in the use of the disputed domain name – at the very least in the UAE, the jurisdiction most closely associated with the .ae space.

The Panel further notes that neither the commercial licence issued by Dubai nor the registration of the business name in Greece prevails over the Complainant’s rights. As a general principle, such licences and business name registrations do not themselves confer trademark rights. Nor is there any evidence before the Panel that the granting of such licences or business name registrations involves any kind of check for conflicts with trademarks.

The decision of the Serbian Registrar of the Register of Business Entities included in the Respondent’s unsolicited supplemental filing provides for the registration of entity known as C5 Food Supplements & Beverages Trading L.L.C. DOO Beograd by Bassem EL Jawhari on January 25, 2025. The registration was effected on the basis of an application made on January 14, 2025 following the rejection of an earlier application on January 11, 2025.

As the Complainant points out, the relationship of this company and the person with the Respondent is not explained. Further, as with the Dubai and Greek licenses and registrations, such registrations do not in themselves confer trademark rights or rights of use that are not subject to prior trademark rights. That is all the more so in a case such as the present where the registration and associated applications were made so soon after the filing of the Complaint.

In the present case, therefore, the Respondent's trademarks, and the licence and business name registration were all granted well after the Complainant began using its trademark and registered it and, as the decision of the Federal Court of the UAE at Sharjah confirms, conflict with the Complainant's prior registered trademarks. In addition, as discussed below, the use of the disputed domain name clearly demonstrates the Respondent's knowledge of the Complainant and its intention to target the Complainant and rides on the goodwill of the Complainant's trademarks.

Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered or is Being Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been either registered or subsequently used in bad faith by the Respondent. In contrast to the UDRP, the requirements of registration or use in bad faith are disjunctive. It is necessary for the Complainant to establish only one or the other.

Generally speaking, a finding that a domain name has been registered or is being used in bad faith requires an inference to be drawn that the respondent in question has registered or is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Panel has no doubt that is the case here. As noted in section 4 above, the Complainant is one of the leading energy drink suppliers in the United States and has over USD one billion in sales annually across some 125 countries including the UAE. Further, the get up in which the Respondent markets its products is strikingly similar to the get up of the Complainant's products. For example:

Complainant's Goods	Respondent's Goods
	

In these circumstances, the Respondent's contention that it did not intend to copy the Complainant's trademark and has not engaged in any actions that would mislead consumers cannot be accepted. Rather, it appears to the Panel that the Respondent registered the disputed domain name to attract customers to its products by causing a likelihood of confusion with the Complainant's trademark. That sort of targeting of the Complainant's trademark to take advantage of the Complainant's reputation constitutes registration in bad faith.

The use of the disputed domain name in carrying out that plan is also use in bad faith.

Accordingly, the Panel finds that the Respondent has both registered and used the disputed domain name in bad faith under the Policy.

The Complainant therefore has established all three requirements under the Policy.

6. Decision

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <c5energy.ae> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Co-Panelist

/Zineb Naciri Bennani/

Zineb Naciri Bennani

Co-Panelist

/Warwick A. Rothnie /

Warwick A. Rothnie

Presiding Panelist

Date: April 9, 2025