ADMINISTRATIVE PANEL DECISION
Woodbolt Distribution, LLC v. Ahmad Naasan / C5Energy
Case No. DAE2026-0009

1. The Parties

The Complainant is Woodbolt Distribution, LLC, of United States of America (“United States”), represented by Polsinelli PC, United States.

The Respondent is Ahmad Naasan , C5Energy, of United Arab Emirates (“UAE”).

2. The Domain Names and Registrar

The disputed domain names <c5extreme.ae> and <c5night.ae> are registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 24, 2026. On April 27, 2026, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On April 29, 2026, 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, sections 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 5, 2026. In accordance with the Rules, section 5(a), the due date for Response was May 25, 2026. The Respondent submitted a Response on May 23, 2026. The Respondent sent emails to the Center on June 15, 2026, and June 19, 2026. The Respondent submitted a supplemental filing on June 15, 2026.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on June 15, 2026. 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, section 7.

4. Factual Background

The Complainant is a limited liability company organized and existing under the laws of the State of Delaware in the United States. It is a life science company which has been manufacturing, distributing, and selling dietary supplement beverages and related products for over 20 years under the trading name "Nutrabolt". It has sold dietary supplement products under the name and trademark C4 since 2014. The Complainant notes that it sponsors world-renowned athletes, celebrities, influencers, professional sport franchises, entertainment, and athletic events, as well as all relevant trade shows.

According to a decision of the Sharjah Federal Court, Primary Civil Court dated December 4, 2024, the Complainant's sales of the C4 beverage have achieved the top rank globally, with retail sales reaching approximately USD 1 billion annually. The said decision also notes that the Complainant's products are distributed in 125 countries worldwide, including the UAE, in which the C4 mark has been used since 2017. The said decision further states that the Complainant has registered the C4 trademark via nearly 150 global trademark registrations, including in the UAE.

The Complainant maintains a wide variety of registered trademarks in various territories for the family of marks C4 (including C4 EXTREME) dating back at least to 2014. For example, the Complainant is the owner of the following trademarks which are registered in the UAE:

UAE Registered Trademark Number 262728 for the mark C4, filed on November 7, 2016 and registered on March 28, 2018, in Class 5;

UAE Registered Trademark Number 426647 for the mark C4 EXTREME, filed on July 10, 2024, and registered on September 3, 2024, in Class 5; and

UAE Registered Trademark Number 426650 for the mark C4 EXTREME, filed on July 10, 2024, and registered on September 3, 2024, in Class 32.

As far as the Panel can tell from the trademark table in the Complainant's documentary annexes, the Complainant's earliest registration of the mark C4 EXTREME is Australian Registered Trademark Number 1504791, filed on July 26, 2012 and with priority from that date, in Class 5. Likewise, the Complainant's earliest registration of the mark C4 is United States Registered Trademark Number 4632277, registered on November 4, 2014, in Class 5.

According to the Verification Report from the .ae Domain Administration (aeDA), both of the disputed domain names were created on November 22, 2023. The websites associated with the disputed domain names are presently inactive.

The Respondent is the manager of a beverage and food supplements company named Ultramade Nutrition & Beverages (FZE) presently operating under a business license issued by the Government of Sharjah dated October 27, 2025. The Respondent sells drinks and powders branded "C5". It uses a trade dress for its said products that is remarkable in its similarity to that of the Complainant, as shown on a comparison image below, notably the term C5 is displayed prominently in an italicized typeface which looks similar if not identical to the typeface used by the Complainant on its C4 products.

The Respondent states that it also has commercial licenses in Greece and Serbia, however, the Greek business appears to be a sole proprietorship in a third party's name, and the Serbian license was not provided, notwithstanding the index entry (Respondent's documentary annex number 2). The Respondent did not explain these discrepancies.

The Respondent presented registration certificates of the Respondent's trademarks within the UAE. These were presented in the Arabic language without a translation into the language of the proceeding. None of the marks appear to predate the Complainant's earliest UAE registered trademark for the mark C4. A representative sample is as follows:

UAE Registered Trademark Number 393924 for the figurative mark C5- مع الشكل, registered on January 30, 2024 in Class 32.

UAE Registered Trademark Number 405361 for the figurative mark C5 EXTREME, registered on July 12, 2024, in Class 32.

UAE Registered Trademark Number 411328 for the mark C5 EXTREME مع الشكل, registered on July 12, 2024, in Class 25.

UAE Registered Trademark Number 429010 for the figurative mark C5 EXTREME مع الشكل, registered on September 21, 2024, in Class 5.

UAE Registered Trademark Number 472115 for the figurative mark C5 NIGHT, registered on March 9, 2026, in Class 32.

The Respondent also presented registration certificates of the Respondent's trademarks registered outside the UAE. These were also presented without translations. A representative sample includes:

Moroccan Registered Trademark Number 259634 for the figurative mark C5 EXTREME, registered on September 11, 2023, in Class 32; and

Djibouti Registered Trademark Number DJ/M/2023/296, for the figurative mark C5 EXTREME & logo, registered on November 6, 2023 in Class 32.

There were no further registrations presented for the mark C5 NIGHT.

The Parties have been engaged in a dispute regarding the Respondent's use of the C5 mark for several years. For example, the Complainant was successful in a complaint against the Respondent under the UDRP in the case of *Woodbolt Distribution, LLC v. Ahmad Nassan, Ultramade Nutrition and Beverages (FZE)*, WIPO Case No. D2023-4689, in respect of the domain name <c5energy.com>. In that case, the Respondent was found to have registered a domain name that was confusingly similar to the Complainant's C4 and C4 ENERGY trademarks, and likewise to the Complainant's <c4energy.com> domain name. The Respondent was found to be using the domain name concerned to offer products bearing a brand that was confusingly similar to the Complainant's C4 and C4 ENERGY trademarks, which products were in competition with the Complainant's C4 products, in circumstances where the Respondent began offering its C5 products years after the Complainant registered its C4 and C4 ENERGY trademarks and began using them for its C4 products.

The Complainant was also successful in a complaint against the Respondent under the Policy in *Woodbolt Distribution, LLC v. Ahmad Nasaan, Ultramade Nutrition & Beverages (FZE)*, WIPO Case No. DAE2025-0001, concerning the domain name <c5energy.ae>. The panel in that case stated that it had no doubt that the Respondent had registered that domain name to take advantage of a trademark owned by the Complainant, adding that the Respondent marketed its products in get-up that was "strikingly similar" to the get-up of the Complainant's products. The panel did not accept the Respondent's contention that it did not intend to copy the Complainant's trademark and had not engaged in any actions that would mislead consumers.

The Complainant brought an action in the Sharjah Federal Court, Primary Civil Court, Intellectual Property Division against the Respondent's company Ultramade Nutrition and Beverages FZE (case number 715 of 2024) in which the Court made a ruling on December 4, 2024 as follows:

“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.”

The Respondent appealed this decision, which was reviewed by the UAE Federal Supreme Court in the First Commercial Cassation Circuit. In a decision dated July 15, 2025, the Court pronounced that it was satisfied that the defendant infringed on the trademark belonging to the plaintiff, and “concludes by obligating the defendants jointly and severally to prevent the infringement on the C4 trademark belonging to the plaintiff and registered under [Classes] 5 and 32, and obligating them to remove the C5 trademark registered under Class 32 from all commercial papers, promotional and advertising materials, and any electronic sites […]”. The Court therefore refused the Respondent’s appeal, and “obligated the appellants to pay the fee and expenses, and an amount of one thousand dirhams for the appellee's legal fees, with the confiscation of the deposit”.

The Respondent claims to have produced a trademark amendment which it suggests acted to satisfy the above decision. However, the amendment (the Respondent’s listed Annex 11) was not produced, and instead, this document was a repeat of the Respondent’s listed Annex 12, again provided without translation into the language of the proceeding. The Respondent also produced what it said was a decision issued by the Execution Court “closing the execution file relating to the aforementioned judgment” along with a copy of what it said was the rejection of the Complainant’s request to continue with the execution file. Both of these documents were in Arabic and were likewise supplied without a translation into the language of the proceeding.

In its supplemental filing, the Respondent produced a translation of a “Certificate of Closure of Enforcement Case” bearing to be from the Enforcement Department of the Sharjah Court of First Instance, dated June 10, 2026, which states that it certifies that “the defendant in execution has fully settled the amount subject of enforcement” and that “the case file has been closed and all enforcement procedures taken therein have been cancelled”. The Respondent does not present any legal opinion as to the effect or status of this certificate and it is not clear to the Panel that this closure prevents all further execution of the above decision(s) as opposed to merely the aspect of payment. The Panel notes in particular that the requirements of the original judgment, stated in the appeal decision to have been upheld, represent what are expressed as ongoing obligations whether or not all or any further execution is prevented, noting also that the Panel is not concerned in the execution of the decision of the Court as such, but rather in the application of the Policy and the relevance of the said decision to this.

The Respondent refers to a decision on the Complainant’s opposition to the registration of its C5 EXTREME figurative mark in Morocco in which the Respondent indicates that it was successful. The decision was produced without a translation into the language of the administrative proceeding. A machine translation by the Panel suggests that it was found that the Respondent’s said mark was distinguishable from the Complainant’s C4 mark, notably because the Parties’ marks are in different use classes (Class 5 in the Complainant’s case and Class 32 in the Respondent’s case). The Respondent also produces, in its documentary annex number 15, what it says are decisions on the registrations of its trademarks issued by several countries worldwide. At least two of these appear to represent cancellations or withdrawals of the Respondent’s applications to register trademarks, notably United Kingdom Trade Mark Application Number 3962138 for the figurative mark including the text C5 SUPREME, which appears to have been withdrawn following opposition from the Complainant (Opposition Number OP000444469).

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's C4 and C4 EXTREME trademarks, noting that the replacement of the numeral "4" with the numeral "5" does not diminish such confusing similarity and is indicative of typosquatting. The Complainant adds that adding the term "night" does not dispel the confusing similarity of the applicable disputed domain name to the Complainant's C4 trademark, nor in either case does the addition of ".ae" diminish this.

The Complainant submits that the Respondent acquired the disputed domain names for the sole purpose of exploiting the Complainant's rights and goodwill in its C4 trademarks, and to create a false and misleading association between the Parties, or to impersonate the Complainant, whereby there can be no bona fide use because the Respondent has deliberately tried to create confusion. The Complainant notes that confusion is even more likely to happen because the mark C4 is a coined term. The Complainant adds that the Respondent cannot claim to be making a legitimate noncommercial or fair use of the disputed domain names, has never been commonly known thereby including according to the WhoIs records, and has never been a representative of the Complainant or otherwise licensed to use its mark.

The Complainant asserts that the Respondent was well aware of the Complainant and had its C4 trademarks firmly in mind when registering the disputed domain names, noting the terms of the Complainant's previous UDRP case and case under the Policy against the Respondent as described in the factual background section above. The Complainant also describes the terms of the Court case against the Respondent and the outcome of the appeal, also as set out in the above section. The Complainant contends that the Respondent's bad faith is palpable and that its sole motivation is to capitalize on or otherwise take advantage of the Complainant's trademark rights with deceptive domain names that rely on and profit from consumer confusion or mistake, noting that the composition of the disputed domain names and the products sold at the corresponding websites (bearing a strong resemblance to the Complainant's products) raise the inference that the Respondent was aware of the Complainant's existence at the time of registration of the disputed domain names. The Complainant asserts that the disputed domain names were acquired for the illegitimate purpose of attracting Internet users to the Respondent's website by creating confusion as to the source, sponsorship, affiliation or endorsement of the Respondent's website or products sold there because the Respondent has no rights or legitimate interest in the disputed domain names and has made efforts to deceive consumers into believing that they are purchasing from the Complainant when they are not.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain names. The Respondent's position is that the disputed domain names are linked to real, existing products, actually used in the market under the Respondent's trademarks, and that it operates a legitimate business in the dietary supplements and sports beverages sector, referencing its branches and activities in the UAE, Greece, and Serbia, its distribution network of over 2,000 points of sale in the UAE, its international distribution network, and its participation in sports sponsorship and international exhibitions.

The Respondent asserts that its platforms contain a notice stating that its C5 products and trademarks are owned by the Respondent's entity and not affiliated with or connected to any third party unless expressly stated. The Respondent notes that its products feature on the Amazon global best sellers list and are available on this platform as well as the Respondent's own platform.

The Respondent refers to its portfolio of “C5” figurative marks registered in the UAE, together with its development plans for others of a similar nature corresponding to “C6”, “C7”, “C8”, and “C9”, and to its marks registered in other territories, arguing that these constitute a series of different letters and numbers, and that the “C5” figurative marks are in active use for dietary supplements, pre-workout performance enhancers, and functional products for athletes. The Respondent adds that said products were launched in 2023 and have been produced lawfully since that date, arguing that this refutes any allegation that the disputed domain names represent cybersquatting.

The Respondent asserts that the disputed domain names are “local” domain names in the UAE, associated with products of a “national local company”, adding that there is no visual or verbal similarity between the Parties’ domain names, that the numeral 5 is different from 4, that there is a phonetic difference in pronunciation, that there is a conceptual difference in the numerals, that there is a commercial difference given the Respondent’s trademarks and products, that there is an “independent visual character” differing from the Complainant’s mark, and that the Complainant is not entitled to a general monopoly over any combination consisting of the letter “C” followed by a number, indicating that these are generic or weak in distinctiveness. The Respondent argues that the Complainant is attempting to restrict commercial competition due to the success of the Respondent’s products in local and international markets, adding that other entities use the letter “C” and numeral “4” without the Complainant having taken similar legal action against them, allegedly revealing the Complainant’s selectivity of action against the Respondent.

The Respondent submits that “C4” has a meaning derived from an explosive device, which meaning is lost with any change in the letter or number. The Respondent asserts that the C5 mark is based on five ingredients beginning with the letter C, namely, citrulline, chromium, creatine, choline, and caffeine, describing further the figurative mark being a black square bearing a letter and a number, surmounted by four arrows pointing to the right with the product or formulation name below, asserting that the products are visually and substantively different. [1]

The Respondent points out that the disputed domain names support its real products, namely, <c5extreme.ae> is linked to an eponymous sports product and performance enhancer, while <c5night.ae> references a product with intended use at night time, featuring a caffeine-free formulation, with a different target audience. The Respondent adds that the additional words that it uses such as extreme or night [the Panel presumes this means additional to “C5”] are descriptive terms from the Respondent’s internal product-naming system that reference ingredients, intended purpose or marketing, and cannot be monopolized for the benefit of any one party. The Respondent claims that its marks are a family based on a proprietary naming structure that does not target a competitor.

The Respondent claims rights and legitimate interests due to the existence of its registered marks, their actual commercial use and activity, the linkage of the disputed domain names to real products, and the Respondent’s investment in these in terms of manufacturing, distribution, marketing, sports sponsorship, international exhibitions and expansion. The Respondent states with regard to the Court action that “the Respondent complied with the Court's ruling by amending the trademark, and the amendment was issued”, adding that the Complainant’s failure to object within the statutory period resulted in the closure of the execution file and “the Respondent being permitted to deal with the amended mark C5”. The Respondent states that the Complainant concealed this outcome from the Panel. The Respondent refers to the Moroccan judgment, which according to the Respondent states that “there is no similarity between the marks owned by the Respondent [C5 EXTREME] and the mark owned by the Complainant”.

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[1] The Respondent here produces a photograph of the Complainant’s product beside the Respondent’s product. The terms “C4” on the Complainant’s product and “C5” on the Respondent’s product bear a remarkable similarity to the eyes of the Panel predominantly in the nature of the near-identical italicized typeface and the fact that the Complainant’s “C4” mark is surmounted by black oblique lines which are to an extent mirrored in the Respondent’s chevrons surmounting the letters “C5”. A different comparison photograph of the Parties’ products is produced in the Respondent’s documentary annexes, number 16, and a copy of the same edited by the Panel to show just the Parties’ products without those that appear to be third party products (and to show a single shelf of these) is reproduced later in this Decision.

The Respondent argues that it did not register or use the disputed domain names in bad faith, submitting that it did not offer the disputed domain names for sale, request any financial consideration from the Complainant, use the Complainant's logos, claim any relationship with the Complainant, or use content suggesting any affiliation with the Complainant, adding that the Parties are present in the same markets and that the consumers in that sector, being relatively specialized, can distinguish between the Parties' products, not least due to differences in the ingredients, nature and function of these, including the Respondent's C5 NIGHT's caffeine-free product for night-time use.

The Respondent argues that prior decisions, particularly relating to different marks and domain names, cannot be generalized to the present case, which must be examined on its own facts. The Respondent also asserts that prior allegations relating to non-use of certain marks would not cause the Respondent to forfeit all of its rights as this would require appropriate judicial proceedings, adding that the present dispute concerns marks and products actually used in ongoing commercial activities, stating that the Respondent has demonstrated this concerning C5 EXTREME and C5 NIGHT "through manufacturing, distribution, marketing, and commercial participation".

The Respondent asserts that it has not acted in a covert manner but has followed the established legal process in the UAE and complied with formal procedures, adding that "certain of the Complainant's registrations" included reservations or conditions relating to non-monopolization of the letter "C" and number "4" adding that UAE law dictates that the scope of protection must remain within the limits of the mark, which would not extend to the monopolization of a vast number of legitimate alphanumeric combinations. The Respondent mentions "countries such as Kuwait and Egypt" but does not otherwise specify. It asserts that the Complainant's rights are not absolute and do not allow it to prevent every combination of the letter "C" and a number in "an impermissible overextension" of the scope of its trademark protection.

The Respondent asserts that the Complainant or a person on its behalf acquired a domain name "linked to the dispute between the Parties" and used this in connection with content disparaging the Respondent's products, asserting that this "reveal[s] the true context of the dispute" and undermines claims of good faith asserted by the Complainant. The Respondent produces what appears to be a screenshot of a website of the Complainant which states that the domain name <c5energy.com> (the subject of *Woodbolt Distribution, LLC v. Ahmad Nassan, Ultramade Nutrition and Beverages (FZE)*, *supra*) has been directed there. The page reports that the domain name concerned has been reassigned to the Complainant "following [the Respondent's] unsuccessful attempt to knock off the World's #1 Selling Pre-Workout Brand C4".

C. Respondent's Supplemental Filing

The Respondent provides "the certificate confirming closure of the execution file relating to the UAE proceedings relied upon by the Complainant", which it argues is relevant because the Complainant continues to refer to those proceedings as if there were an active enforceable execution against the Respondent. The Respondent argues that "the closure of the execution file confirms that the procedural status of that matter is materially different from the impression presented by the Complainant".

6. Discussion and Findings

6.1 Preliminary Matter: Respondent's request for a three-member panel

On June 15, 2026, after receiving notification of the appointment of the Panel, the Respondent emailed the Center stating that it had expressly requested a three-member Panel in the Response, noting that it had not received any payment request therefor, or any communication indicating that further action was required by the Respondent. In these circumstances, the Respondent indicated that it objected to the appointment of the single-member Panel, and asked the Center to confirm whether the Respondent's said request was received, why no payment instructions were sent to the Respondent, and whether the appointment of the Panel would be suspended or corrected.

In the circumstances, both the Center and the present Panel reviewed the Response and all correspondence from the Respondent pre-dating the appointment of the Panel in order to identify the Respondent's alleged request for a three-member Panel. Neither the Center nor the Panel could identify any request for a three-member panel on the Respondent's part, as should have been included in the Response (if such was desired) in accordance with section 5(b)(iv) of the Rules. Equally, the Response contained no list of chosen candidates to serve as Respondent's nominee on such a panel in accordance with section 5(b)(v) of the Rules. Likewise, there was no mention in the Respondent's correspondence of the requisite three-member panel fee having been paid. The Center's accounting department reported that it had not received payment of any such fee from the Respondent.

Considering all of the above, noting that the Respondent was informed of the various requirements regarding the selection of a three-member panel (if so desired) in the Notification of Complaint and Commencement of Administrative Proceeding of May 5, 2026, paragraphs 5, 7, 9, and 10, and noting that the Respondent would in any event have a passing familiarity with the necessary procedure based upon its previous involvement in a three-member panel case under the Policy as recently as April last year (*Woodbolt Distribution, LLC v. Ahmad Nassan, Ultramade Nutrition and Beverages (FZE)*, *supra*), the Panel determined that it was properly appointed in the present case and would proceed to a Decision. The Panel therefore requested the Center to notify the Respondent of the Panel's decision in this regard.

The Center duly notified the Respondent of the above on June 18, 2026. In such notification, the Center also indicated the possibility that the Respondent might have been confusing the present administrative proceeding with a separate pending case involving the same Parties in which the request for a three-member panel had been made. On the same date, the Respondent replied by email requesting "an opportunity to cure any formal deficiency by submitting the required list of three candidates and by making the applicable payment through the Center's designated payment facility immediately upon instruction", albeit noting that the Respondent understood that the single-member Panel had been appointed and that the proceeding would continue, in which case, the Respondent noted that it maintained all substantive arguments, evidence and rights set out in the Response. For completeness, the Panel notes that it refuses the Respondent's further request of June 18, 2026, regarding the appointment of a three-member panel, for the reasons already outlined above.

6.2 Preliminary Matter: Respondent's Supplemental Filing

Section 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. WIPO Overview 3.1, section 4.6.

Panels have sole discretion, under sections 10 and 12 of the Rules, whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

As noted in the procedural history section above, the Respondent filed a supplemental filing on June 15, 2026. This provided a "Certificate of Closure of Enforcement Case" in the language of the proceeding. As this was put forward as a material development in the Court case between the Parties, the Panel resolved to admit it.

The Panel would ordinarily have provided the Complainant with an opportunity to answer the supplemental filing, but determined that this would have given rise to avoidable delay (bearing in mind the Panel's obligation to ensure that the administrative proceeding takes place with due expedition in accordance with section 10(c) of the Rules) and was in any event unnecessary given the Panel's decision discussed below that, taking it at its highest, the supplemental filing did not affect the outcome, so no response was needed.

6.3 Substantive Issues

To succeed, the Complainant must demonstrate that all of the elements listed in section 6(a) of the Policy have been satisfied:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(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.

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, , ("WIPO Overview 3.1"), section 1.7. [2]

The Complainant has established that it is the owner of the trademarks C4 and C4 EXTREME and the Panel finds that the Complainant has rights therein within the meaning of the Policy.

Dealing first with the disputed domain name <c5extreme.ae>, the Panel finds that this is a close variant of the Complainant's C4 EXTREME mark, with a substitution of the numeral "5" for "4" together with the removal of whitespace (which is not in any event permitted in domain names for technical reasons). The Respondent's position is that the numeric difference is capable of distinguishing the disputed domain name from the mark because there is both a phonetic and conceptual difference creating an "independent visual character". The Panel disagrees. It has long been recognized under the Policy, and the UDRP, that a domain name consisting of a variation of a trademark, including by substitution of a single character, is considered by panels to be confusingly similar to the relevant mark for the purposes of the first element. WIPO Overview 3.1, section 1.9. The Panel so finds here. The Panel notes for completeness that the said disputed domain name is likewise confusingly similar to the Complainant's C4 mark on the basis that the disputed domain name consists of a variant of the said mark coupled with the dictionary word "extreme" whereby the Panel applies the same approach as it takes with the second disputed domain name in the immediately following paragraph.

Dealing secondly with the disputed domain name <c5night.ae>, the Panel finds that this contains a variant of the Complainant's C4 trademark, with numeral substituted as in the case of the first disputed domain name, coupled here with the dictionary word "night". The Panel finds that the Complainant's mark is recognizable in the disputed domain name on the basis of WIPO Overview 3.1, section 1.9, as discussed above. Although the addition of other terms, here, "night" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

In both of the comparison exercises above, the ".ae" country code Top-Level-Domain ("ccTLD") is typically disregarded as required for technical reasons only. WIPO Overview 3.1, section 1.11.1.

The Panel finds the first element of the Policy has been established.

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[2]The Panel notes that while there are minor differences between the Policy and the UDRP, where appropriate, it draws on consensus views expressed in the WIPO Overview 3.1 and decisions made under the UDRP.

B. Rights or Legitimate Interests

Section 6(c) of the Policy lists several ways in which the Respondent may demonstrate rights or legitimate interests in the disputed domain name:

"[…] Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the Domain Name for purposes of Section 6(a)(ii):

i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or

ii) you (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or

iii) you are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue".

The consensus of previous decisions under the Policy is that a complainant may establish this element by making out a prima facie case, not rebutted by the respondent, that the respondent has no rights or legitimate interests in a domain name. The Panel is satisfied that the Complainant has made out the requisite case here on the basis of its submissions that the Respondent acquired the disputed domain names to exploit the Complainant's rights and goodwill in its C4 trademarks and coined term, to create a false and misleading association between the Parties, or to impersonate the Complainant, whereby there can be no bona fide use because the Respondent has deliberately tried to create confusion.

The essence of the Respondent's case in rebuttal is that it is using names corresponding to the disputed domain names in connection with a bona fide offering of goods and services. The problem with the Respondent's case, however, is that even if the names concerned are associated with real products on the market, as it asserts, this would not of itself make the offering of goods bona fide if the names infringe the Complainant's C4 and C4 EXTREME trademarks. This is what the Courts in the UAE appear to have found in the recent action which has been upheld on appeal (the finding appears to the Panel to be more generally based in relation to the Complainant's prior C4 mark and the Respondent's use of the C5 mark, albeit that this difference does not matter for present purposes). Indeed, the Respondent was ordered by the Court to "cease the production, marketing, sales, and distribution of beverages bearing this mark both inside and outside the [UAE]". To this, the Respondent makes two additional cases.

First, the Respondent states that all execution on the judgment concerned has ceased, under reference to the certificate that it produces. Secondly, the Respondent suggests that the various additional trademarks that it holds demonstrate its bona fides (including one that in a different market, namely Morocco, has been found capable of coexistence with the Complainant's Moroccan trademark).

Taking the question of the Certificate of Closure of Enforcement Case first, the Panel notes in the factual background section above that this document is not accompanied by any formal legal opinion concerning its effect in the UAE. The certificate itself references the fact that "the defendant in execution has fully settled the amount subject of enforcement" and that "Accordingly, the case file has been closed and all enforcement procedures therein have been cancelled". The Panel notes that the UAE Court case applied certain ongoing obligations upon the Respondent including removing products from the market. The certificate refers to one aspect of the decision only, namely the payment of money that is "subject of enforcement". It does not refer to the amendment of the Respondent's trademark, or any other aspect, at all.

As far as the Panel can tell, in the absence of any formal legal opinion, the settlement of a monetary sum would not typically restore the status quo ante leaving the Respondent free to infringe the Complainant's mark as the Court had found it to be doing. While the Respondent refers to making an amendment to its C5 trademark, and states that "the amendment was issued", it gives no further detail as to the amendment made, and no evidence of this being presented to the Court. The Panel cannot see any aspect of the judgment ordering such amendment. Insofar as the Court was satisfied that an amendment was made, therefore, and insofar as it might have halted execution of the judgment, the Respondent has not shown this to the Panel's satisfaction. The disputed domain names continue to reference the Respondent's figurative trademarks bearing a close resemblance to the Complainant's C4 mark, whether or not any amendment to the Respondent's registered trademarks has been made.

Crucially, the Panel reminds both itself and the Parties that it is not here to enforce the judgment concerned but rather to find whether the Respondent has rights and legitimate interests in the disputed domain names according to the Policy. Nor is the Panel precluded from considering the judgment if execution on it has been completed, even if this were demonstrated to be the case to its satisfaction. The judgment therefore is an important aspect of the Complainant's evidence that the C5 mark (and by extension any variants of it such as those in the disputed domain names) infringes the Complainant's prior C4 mark in the territory of the UAE. In any event, the Panel can readily understand why the Court took the decision on infringement that it did, as the Panel has already found that the term "C5" as found in the disputed domain names is confusingly similar to the Complainant's prior C4 mark. It appears to the Panel that the Respondent has no real answer on this point other than its technical argument regarding the alleged closure of execution with which the administrative proceeding is not directly concerned.

Turning to the Respondent's various other trademarks in different territories, the Panel notes that the Respondent has not demonstrated that any of these predate the Complainant's longstanding use of the mark C4 in connection with substantially the same products. It appears to the Panel that the Respondent's registration of these trademarks, most or all of which appear to be figurative marks, are part of a scheme to usurp the goodwill inherent in the Complainant's longstanding C4 trademark. It cannot be overlooked, for example, that the italicized typeface in the Respondent's said figurative marks for the letters "C5" is either identical or deliberately close to that used by the Complainant in its C4 mark, as the shelf illustration provided by the Respondent of both its products to which said figurative mark has been applied, and the Complainant's product, amply illustrates (Respondent's Annex 16). The Panel has extracted one shelf of the said products from that image, removing what may be third party products, and juxtaposing those of the Parties for the purposes of illustration, which the Panel considers largely speaks for itself:

The similarity in the Parties' products alone (and in the case of the Respondent's products, its figurative marks as applied to those goods) indicates to the Panel that the Respondent's various arguments about the conceptual difference between C4 and C5, or the alleged sophistication of various consumers, have no merit. The Panel considers that anyone looking at the products on that shelf in this particular trade dress would assume that the Respondent's products have a connection to those of the Complainant when they do not, largely in light of the prominent letter "C + numeral" stylized word in a very similar or identical typeface.

Panels under the Policy and the UDRP have recognized that a respondent's prior registration of a trademark which corresponds to a domain name will ordinarily support a finding of rights or legitimate interests in that domain name for purposes of the second element. Although, as here, evidence of the registration of a business name may also be submitted to support the respondent's case, panels are not likely to give a mere business name registration the same weight as a trademark registration, and would expect evidence of use of the business name (beyond mere corporate registration documents) to also be provided in a way that links the business name to the source of specific goods or services. WIPO Overview 3.1, section 2.12.1. Here, there is no evidence that the Respondent's business name is linked to the goods and services concerned, and, crucially, the Greek business name, while linked to the goods in the sense of using the term "C5" does not appear to be the Respondent's business. However, in any event, the ordinary position described in WIPO Overview 3.1, section 2.12.1, is displaced on the present facts.

The existence of such trademark or business name registrations does not automatically confer rights or legitimate interests on the Respondent. Panels have generally declined to find rights or legitimate interests in a respondent's domain name on the basis of a corresponding trademark or business registration where the overall circumstances demonstrate that such trademark was obtained primarily to circumvent the complainant's assertion of its rights or otherwise prevent the complainant's exercise of its rights (even if only in a particular jurisdiction). WIPO Overview 3.1, section 2.12.2. That is the case here, noting that the Respondent's multiple registered trademarks in the UAE appear to be an attempt to create a rights-based justification for conduct that, on the Panel's assessment, remains derivative of the Complainant's rights in that jurisdiction, whatever the position might be in Morocco or elsewhere. As noted above, the Panel has not identified any "C5" trademarks belonging to the Respondent that predate the Complainant's C4 marks. The Respondent's use of the mark appears to the Panel to be derivative of that of the Complainant, considering the close similarity of trade dress, whether or not the Respondent has managed to obtain registered figurative marks in a variety of jurisdictions outside the UAE. Consequently, the Panel considers that the Respondent cannot derive rights or legitimate interests in the disputed domain name via the second basis of its case.

In particular, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names in the UAE. The panel in *Woodbolt Distribution, LLC v. Ahmad Nasaan, Ultramade Nutrition & Beverages (FZE)*, supra, noted that this is the jurisdiction most closely associated with the ".ae" space, and the Panel agrees that this must have some significance here, particularly in light of the judgment of the Court as to infringement in that country. It cannot be overlooked that the Respondent itself focuses in on this point in its own submissions, noting that "the Respondent's domain name is a local domain within the UAE, associated with products of a national local company".

In all of these circumstances, the Panel finds the second element of the Policy has been established.

C. Registered or is Being Used in Bad Faith

The third element of the Policy requires the Complainant to prove that the disputed domain name has been registered or is being used in bad faith. These aspects are disjunctive, in contrast to the conjunctive requirement under the UDRP, in that either may be proved for the Complaint to be successful. Section 6(b) of the Policy provides four, non-exclusive, circumstances that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith.

In general terms, for bad faith registration to be made out under the Policy, some form of targeting of the Complainant's rights must be demonstrated and at least the fact that the Respondent had the Complainant or its rights in mind at the point when it registered the disputed domain name. The Complainant shows this comprehensively in the present case by virtue of the findings of the UAE Court that the Complainant's marks were long-established and had given rise to substantial sales well before the Respondent registered domain names containing the term "C5" and used these in connection with products that are either the same as, or very similar to, those of the Complainant. Indeed, the Complainant had been active in the UAE since at least 2017 and had obtained registered trademarks there for the mark C4 in 2018, some five years before the disputed domain names were registered, notwithstanding the Complainant's use of the mark for two decades, with very substantial sales, in other jurisdictions.

As noted in the previous section, a comparison of the Parties' products, as produced by the Respondent and slightly edited by the Panel to remove additional shelves and possible third party products, amply illustrates, through the similarity of the trade dress selected by the Respondent, the fact that the Respondent has registered the disputed domain names to take advantage of their significance as a variant of the

Complainant's C4 trademark. Given the obvious similarity of the italicized typeface coupled with the use of the letter "C" and a numeral, the Respondent's submissions that it has no intention to confuse the public and indeed that the public will not be confused by its use of the mark C5 as featured in the disputed domain names are dismissed by the Panel. As the panel in *Woodbolt Distribution, LLC v. Ahmad Nasaan, Ultramade Nutrition & Beverages (FZE)*, supra, noted, "That sort of targeting of the Complainant's trademark to take advantage of the Complainant's reputation constitutes registration in bad faith". Furthermore, while the Respondent argues that the Complainant has not produced evidence of actual confusion in the present case, such actual confusion would not be necessary for a finding of registration or use in bad faith. Under the Policy, the Panel addresses the likelihood of confusion that is being or may be caused by the disputed domain names, not necessarily the fact that actual confusion has occurred.

The Panel also dismisses the Respondent's arguments concerning the allegedly independent basis on which it came up with the names in the disputed domain names. The key part is the use of the term "C5", which the Respondent claims arises from five ingredients beginning with the letter "C" including caffeine. This argument is particularly unconvincing, given that the alleged "C5 night" product to which one of the disputed domain names refers is actually expressed to be caffeine-free thus missing its alleged fifth ingredient, unless an alternative ingredient beginning "c" has been included, but if so, the Respondent did not specify this. The Panel notes in any case that the five ingredient argument would have been better made if the Respondent had used the term "5C" or "5Cs" rather than "C5". The fact that instead it chose to reverse the letters to match the Complainant's, by then, well-established mark, and even aped its typeface on packaging cannot be a coincidence and cannot support the notion that the disputed domain names were registered in good faith.

The Respondent refers to a statement that it says it has placed on all of its platforms. The issue is somewhat hypothetical in the present case because the websites associated with the disputed domain names are currently inactive and no disclaimer is shown. Nevertheless, the statement put forward by the Respondent indicates that the platform concerned is operated by the Respondent company, that its figurative marks and products are "independent" and are not "affiliated with, sponsored by, endorsed by, or connected to any third party unless expressly stated". There is also an acknowledgement that trademarks, logos, product names, and brand names are the property of their respective owners. However, where, as here, the overall circumstances of a case point to the respondent's bad faith, the mere existence of a disclaimer would not cure such bad faith. In such cases, panels may consider the respondent's use of a disclaimer as an admission by the respondent that users may be confused. WIPO Overview 3.1, section 3.7. The Panel would have made such a finding in the circumstances of the present case, had the disclaimer appeared on the websites concerned. In any event, the absence of such renders the position moot.

Finally, the Complainant's use of a domain name which it likely recovered by way of a previous administrative proceeding to educate the public about the Respondent's use of the term "C5" in its products could not in any way mean that the Respondent did not register the disputed domain names in bad faith. Allegations that the Complainant's statements are defamatory likewise do not affect the Panel's finding here and are beyond the scope of the Policy; these are matters that the Respondent would have to pursue in another forum.

The Panel finds that the disputed domain names have been registered in bad faith. Given the nature of the Policy, the question of whether they have also been used in bad faith is moot and it is not necessary for the Panel to consider this.

The Panel finds the third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with sections 6(i) of the Policy and 15 of the Rules, the Panel orders that the domain names <c5extreme.ae> and <c5night.ae> be transferred to the Complainant.

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Panelist
Date: July 9, 2026