

ADMINISTRATIVE PANEL DECISION

EnergySage, Inc. v. Oneandone Private Registration
Case No. DAI2025-0052

1. The Parties

The Complainant is EnergySage, Inc., United States of America (“United States” or “U.S.”), represented by Nameshield, France.

The Respondent is Oneandone Private Registration, United States.

2. The Domain Name and Registrar

The disputed domain name <energysage.ai> is registered with INTERNETX GMBH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 29, 2025. On September 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 30, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (PrivateName Services Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 1, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 27, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on October 30, 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.

4. Factual Background

The Complainant, founded in 2009, is a U.S. company that runs an online comparison marketplace for clean energy products like solar, energy storage, and heat pumps. In 2023, the Complainant served over 907,000 customers.

According to Annex 4 of the Complaint, the Complainant owns several trademarks for the term “ENERGYSAGE” (the “Mark”), including but not limited to:

- The European Union trademark registration No. 018959149 registered on June 22, 2024, and
- The European Union trademark registration No. 018959159 registered on June 22, 2024.

The Complainant also owns U.S. trademark registrations for ENERGYSAGE No. 6533460 registered on October 26, 2021, and No. 6649259 registered on February 22, 2022.¹

The Complainant also owns numerous domain names featuring the Mark, such as <energysage.com>, which has been registered and used since 2005.

The disputed domain name <energysage.ai> was registered on May 24, 2024, and directs to a website prominently displaying the term “ENERGYSAGE.AI”. The website offers options labeled “Our Services” and “Download Brochure,” and also invites visitors to submit their email addresses to subscribe to a newsletter. The “Our Services” link directs back to the homepage of a company called Cerebulb. The “Download Brochure” link leads to a subpage of the main Cerebulb website with the heading “ENERGYSAGE.AI”, which requests customer information to receive the Respondent’s brochure. Cerebulb appears to operate in the same general industry as the Complainant, offering energy-related technology services.

The Respondent has configured MX records for the disputed domain name.

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 argues that the disputed domain name is identical to the Mark. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, and there is no evidence indicating that the Respondent is commonly known by that name. Additionally, the Complainant states that the Respondent is neither a licensee nor affiliated with the Complainant in any way. Furthermore, the Complainant claims it has not authorized the Respondent to use the Mark. Moreover, the Complainant argues that the disputed domain name was registered and is being used in bad faith for commercial gain, misleading Internet users into believing that the disputed domain name points to a website that the

¹Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8.

Complainant endorses, is connected to, or sponsors. The Complainant also asserts that the Respondent's MX configuration creates the risk of phishing and other potentially deceptive email communications.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements that a complainant must satisfy to succeed. The Complainant must demonstrate that:

- (i) the 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 such domain name; and
- (iii) the domain name has been registered and 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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable Top Level Domain ("TLD") in a domain name, here ".ai", is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The disputed domain name resolves to a website that prominently features the Mark and offers services under the heading "ENERGYSAGE.AI". The wholesale adoption of the Mark by the Respondent to offer competitive or related services does not establish rights or legitimate interests in the disputed domain name.

There is no evidence that the Respondent has been commonly known by the disputed domain name or that it has made any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain. Nor is there evidence of a bona fide offering of goods or services under the disputed domain name prior to notice of this dispute.

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

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used 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. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that the Respondent's conduct constitutes registration and use of the disputed domain name in bad faith. The Respondent's website prominently uses the Complainant's Mark to offer energy-related services and directs Internet users either to its own subpages or to a third-party website operating in the same sector. Given the distinctiveness of the Complainant's Mark and its prior registration, the Panel finds it highly unlikely that the Respondent was unaware of the Complainant's rights. Such use, designed to attract Internet users for potential commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement, constitutes bad faith under paragraph 4(b)(iv) of the Policy. The presence of configured MX records reinforces this finding, as it suggests potential for misuse in connection with deceptive email communication.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <energysage.ai> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: November 13, 2025