Decision for dispute CAC-UDRP-108792

Case number	CAC-UDRP-108792
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Domain names	hell.energy

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	HELL ENERGY Magyarország Kft.

Complainant representative

Organization	Oppenheim Ugyvedi Iroda

Respondent

Organization	United Technology Alliance Fejlesztő és Megoldásszállító Korlátolt Felelősségű Társaság

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns several trademark registrations for the term HELL ENERGY and HELL ENERGY DRINK, including but not limited to:

- Hungarian trademark for HELL ENERGY DRINK (and design) [1], Reg. No. M0700698, filed on March 2, 2007, registered on January 3, 2008, in force until March 3, 2027; in International Class ("IC") 32; and

- European trademark for HELL ENERGY (and design), Reg. No. 009530511, filed on November 17, 2010, registered on May 3, 2011, in force until November 17, 2030; in International Class ("IC") 32; and

- European trademark for HELL ENERGY (work mark), Reg. No. 014749253, filed on October 30, 2015, registered on December 23, 2016, in force until October 30, 2035; in International Class ("IC") 32; and

- United Kingdom trademark for HELL ENERGY (word mark), Reg. No. UK00914749253, filed on October 30, 2015, registered on December 23, 2016, in force until October 30, 2035, in IC 32.

[1] The Panel notes that the trademark includes the Complainant's domain name reference: "hellenergy.com".

FACTUAL BACKGROUND

The Complainant is a Hungarian company established in 2004 and has operated under the name “HELL ENERGY” since May 7, 2009. The Complainant produces and distributes “HELL ENERGY” branded energy drinks and “HELL” branded coffee beverages in over 60 countries, including across the European Union and Asia.

In 2011, the Complainant established its own filling plant equipped with German technology, which produces premium-quality drinks in strict compliance with the FSSC 22000 food safety standards. By 2017, the Complainant developed its own beverage can factory suitable for the production of aluminium cans. In 2019, the Complainant´s filling plant and beverage can factory won the Factory of the Year Award in the category of the most effective production support processes.

The Complainant also owns the domain names <hellenergy.hu> registered since April 25, 2006, and <hellenergy.com> registered since June 12, 2006; used as the official website in connection with the distribution of energy drinks and coffee beverages.

The Panel notes the following previous instances submitted by the Complainant, i.e., HELL ENERGY Magyarország Kft. v. Heaven Traders LLP, CAC-UDRP-103020, where the disputed domain name <hellrockenergy.com> was used to promote energy drinks and the look and feel of the Complainant’s website was copied by the Respondent; and HELL ENERGY Magyarország Korlátolt Felelősségű Társaság v. King Cobra, CAC-UDRP-104970, where the disputed domain name <hellenergy-hu.com> was inactive.

The disputed domain name <**hell.energy**> was registered on **January 5, 2016,** and resolves to a landing page website that offers the disputed domain name for rent or sale, and provides a contact for it.

PARTIES CONTENTIONS

Response

No Response or any communication has been submitted by the Respondent, despite the fair opportunities provided.

In accordance with paragraph 5(f) of the Rules, in the absence of a Response, the Panel shall decide the dispute based upon the Complaint. The complainant bears the burden of proof; a respondent’s default does not, by itself, mean that the complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”) section 4.3. Therefore, the Panel will decide this case based on the “balance of probabilities” or “preponderance of evidence” standard. See WIPO Overview 3.1, section 4.2.

Complainant Contentions (summary):

The Complainant contends that the disputed domain name in this case, including the generic Top Level Domain “.energy” is practically identical to the Complainant’s trademark HELL ENERGY.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, given that the Respondent is not related to nor affiliated with the Complainant and has not received any license or consent to use the HELL ENERGY or HELL ENERGY DRINK trademarks in any way, including as a domain name; that the disputed domain name is not being used for the bona fide offering of goods or services, because merely offers the disputed domain for sale, that no actual commercial activity was conducted via the disputed domain name; that the Respondent is not commonly known by the term ‘“hell.energy”; that according to an internet search on the Respondent’s website available at <unitechnal.hu> for the word “HELL” has not yielded any hits, meaning that the Respondent has not even used the sign “HELL” or “HELL ENERGY” at all.

The Complainant contends that the disputed domain name has been registered and is being used in bad faith, given that the Respondent has registered or acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring it to the Complainant or to a competitor of that the complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the disputed domain name, as set out by paragraph 4.(b)(i) of the Policy; that the Complainant after a couple of requests to Eduardo Dorronto, e-mail: ‘eduardo@hell.energy’ which appears as the unique contact from the Respondent’s website, provided the following information in relation to the disputed domain name: “About your question: yes, the domain is still in trade; however as the name is premium category, we start the negotiations from 150-200K USD. If this price is in your budget, please send me an offer…”. The Complainant contends that the Respondent is a Hungarian company as well as the Complainant, that it was highly improbable that the Respondent was not aware of the Complainant’s earlier rights over HELL ENERGY, including the domain names (2006), the company name (2009) and the earlier trademarks (2006-2015) at the registration of the disputed domain name; that by the time of the registration the Complainant was widely known, based on a publication of 2026 related to the 20th anniversary of the HELL ENERGY brand, which contains a summary on the Complainant’s history; that the HELL ENERGY branded energy drink was a market leader in Hungary already by 2010, that became the official sponsor of the AT&T Williams Formula-1 team for the 2009 and 2010 seasons, as further explained in the Wikipedia article about the Complainant’s brand.

Furthermore, the Complainant contends that the disputed domain name constitutes a very specific (i.e. non-generic) and distinctive term, which is a clear reference to the Complainant’s well-known and prestigious HELL ENERGY energy drink brand; that the combination "HELL+ENERGY" is not a natural dictionary pairing and carries no meaning independent of the Complainant's brand and trademarks; that the Respondent’s knowledge about the value of the disputed domain name is confirmed by the fact that it was said to be “premium category”, and also that it was offered for sale for a premium purchase price; that the reason for that could only be

that the disputed domain name is the exact – and therefore unique – New Top-Level Domain (nTLD) version of the Complainant's world-famous HELL ENERGY brand and trademarks, which is not a random dictionary term but represents a targeted attempt to capture the exact brand name in an nTLD form, that therefore, the Respondent could reasonably expect that at a certain point in time, the Complainant will become interested in purchasing it, even for an excessive purchase price.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Procedural Order No.1

In the present case, after evaluating the case file and the available evidence, on August 3, 2026, the Panel, in accordance with paragraphs 10 (a) to (d) of the Rules, issued a Procedural Order in the following terms:

1. "Complexity Fee Request: Given the complexity of the present case, which implies a further analysis of a potential dictionary term of the domain name trading industry since 2016, in accordance with Article 16 of CAC's Supplemental Rules, the Panel invites the Complainant to submit the corresponding complexity fee of 300 EUR to the Provider.

2. Notification of Complaint – Forwarding: The Panel notes that the disputed domain name resolved to an active website which offers it for sale or rent, and indicates "If you wish to buy or rent this domain please contact us! Write to Eduardo Dorronto". The contact's name 'Eduardo Dorronto' is hyperlinked to the following e-mail: 'eduardo@hell.energy'. The Complainant provided an e-mail communication from the same e-mail address. Therefore, given its activity, and its omission at the time of the Notification of the Complaint, the Panel instructs the following:

   2.1. To forward the Notification of the Complaint, including Annexes and Written Notice of July 1, 2026, to Eduardo Dorronto at 'eduardo@hell.energy', as an additional contact under paragraph 2.(a)(ii)(c) of the Rules, and provide a period or time of five (5) calendar days to submit any comments.
   2.2. Once said period has elapsed, the Panel shall render its decision within the following five (5) calendar days.

3. Panel Decision: The Provider CAC, through its platform, will specify the corresponding dates."

On August 3, 2026, the Provider notified the Panel Order through its platform, setting August 7, 2026 as the deadline for the Respondent to submit its arguments and August 17, 2026 as the Decision due date.

On August 10, 2026, the Panel was informed by the Provider that no further communication has been submitted from any of the Parties, including from this e-mail address: 'eduardo@hell.energy'. Therefore, the Panel proceeded to render its Decision, in accordance with paragraph 10 (c) of the Rules.

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

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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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

Regarding the design elements of the Complainant's trademarks, the Panel in this case will disregard them. See WIPO Overview 3.1, section 1.10.

The disputed domain name consists of the term "hell" as the second-level domain and the generic Top-Level Domain (gTLD) ".energy". The Panel agrees with the Complainant that, as stated in the WIPO Overview 3.1, section 1.11.3, "where the applicable TLD and the second-level portion of the domain name in combination contain the relevant trademark, panels may consider the domain name in its entirety for purposes of assessing confusing similarity".

In this case, the Complainant's trademark is HELL ENERGY, and the disputed domain name is <hell.energy>. As such, ".energy" can be taken into account in order to assess identity or confusing similarity, as it is part of the trademark that the disputed domain name must be compared with. In this case, the dot of the disputed domain name is insufficient to distinguish it from the Complainant's trademark.

Accordingly, the Panel finds that the disputed domain name is identical to the HELL ENERGY trademark in which the Complainant has rights for the purposes of the Policy.

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

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 that 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 provide such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

Having reviewed the evidence submitted, the Panel finds that:

- The Respondent did not submit any response, or come forward with any allegations or justifications on the composition or selection of the disputed domain name in its entirety.
- The composition of the disputed domain name treads a thin line between the selection of a standard dictionary word, under a gTLD, and an intentional targeting of a recognized trademark. Here, the Panel is inclined toward the latter. The Complainant has provided evidence of its marketing strategy, in particular its sponsorship alliance with the AT&T Williams Formula 1 team, as the first Hungarian company to appear as a sponsor in the world of Formula 1 for the 2009 and 2010 seasons. According to the Registrar Verification Information, the Respondent is also located in Hungary. Consequently, the Panel considers it more likely that, by 2016, the Respondent was aware of the Complainant and foresaw the potential value of its trademark. Therefore, the nature of the disputed domain name carries a high risk of implied affiliation. See WIPO Overview 3.1, section 2.5.1.

- Despite the Panel agreeing with the legitimate market in domain names for arbitrary trademarks based on dictionary terms, in this case, based on the evidence, the trading over the disputed domain name does not constitute a use in connection with a bona fide offering of goods or services as set out in paragraph 4(c)(i) of the Policy.

- There is no evidence that the Respondent owns trademark rights for, nor is commonly known by, 'hell.energy', or any similar term.

- The Respondent is not affiliated with nor authorized by the Complainant in any way; any license or authorization has been granted to the Respondent to make any use of the Complainant's trademarks HELL ENERGY DRINK and HELL ENERGY, including for domain name registrations.

Therefore, 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 Panel finds the second element of the Policy has been met.

Bad Faith: Registration and Use

According to the submitted evidence, the Complainant is a Hungarian company, established in 2004, that started to operate under the name HELL ENERGY since May 7, 2009. Among many others, the Complainant registered its trademark HELL ENERGY DRINK - which includes the Complainant's domain name reference: "hellenergy.com" - in Hungary on January 3, 2008. According to the Registrar Verification information, the Respondent is located in Hungary and registered the disputed domain name on January 5, 2016, meaning eight years after the Complainant.

Among the evidence, one has been significant to this Panel: The Complainant's sponsorship alliance with the AT&T Williams Formula 1 team for the 2009 and 2010 seasons. Formula 1 offers brands the highest-profile global marketing platforms in modern sports, i.e., unmatched exposure, massive broadcast, digital impressions, prestige and speed association, among other factors. Therefore, this Panel considers it more likely that, by 2016, the Respondent was aware of the Complainant and foresaw the potential value of its trademark, and registered with the Complainant in mind. See WIPO Overview 3.1, section 3.2.2.

The Panel, of course, also notes that the Complaint has been brought 10 years after the disputed domain name was registered; however, such delay has not led to negative inferences against the Complainant; instead, it is perceived as part of that reasonable expectation where the Complainant can't monitor its trademark under all the existing gTLDs. See WIPO Overview 3.1, section 4.17.

Regarding bad-faith use, the Panel considers the following question: why did the interested party, after ten years, turn out to be the Complainant?

In relation to it, section 3.1.1 of the WIPO Overview 3.1 states that:

> "Circumstances indicating that a domain name was registered for the bad-faith purpose of selling it to a trademark owner can be highly fact-specific; **the nature of the domain name** (e.g., whether a typo of a famous mark, a **domain name wholly incorporating the relevant mark** plus a geographic term or one related to the complainant's area of commercial activity, or a **pure dictionary term**) and **the distinctiveness of trademark** at issue, among other factors, are relevant to this inquiry. (…) Panels have noted in respect of UDRP paragraph 4(b)(i) that offers to sell which exceed the respondent's documented out-of-pocket costs must target a trademark owner; **assessment of such targeting will take account of all relevant facts and circumstances**, and often includes matters such as the **strength of the mark at issue** (including whether there may be third parties also using the term as a mark for other goods/services including in other jurisdictions and whether it may also be descriptive or a dictionary term capable of non-infringing uses), the **extent or reach of the complainant's online presence, and the location of the parties**."

Here, the Respondent has had ample opportunity to learn that domain name trading is a legitimate practice, which, in particular given all the circumstances of this case, this Panel concludes that the Respondent offers to sell or rent the disputed domain name is not "mere" or coincidental, instead seeks to take advantage of the Complainant's business efforts, reputation, trademark distinctiveness, worldwide recognition and falls into paragraph 4.(b)(i) of the Policy.

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

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **hell.energy**: Transferred

PANELLISTS

Name	**María Alejandra López García**

DATE OF PANEL DECISION 2026-08-11

Publish the Decision