

ADMINISTRATIVE PANEL DECISION

Belmont Village, L.P. v. Name Redacted

Case No. D2022-4895

1. The Parties

Complainant is Belmont Village, L.P., United States of America (“United States”), represented by Freeborn & Peters LLP, United States.

Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <belmontvillage.com> (hereinafter the “Disputed Domain Name”) is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2022. On December 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 21, 2022, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to Complainant on December 23, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 10, 2023.

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”).

¹ The Respondent appears to have used the name of a third party when registering the Disputed Domain Name. In light of the potential identity theft, the Panel has redacted Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Disputed Domain Name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net/ Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on January 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 1, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 3, 2023.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on February 22, 2023. 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

Complainant operates senior living facilities at which it offers assisted living and independent living and memory care programs, all under the BELMONT VILLAGE mark. Of relevance to this proceeding, Complainant owns a United States trademark registration for the mark BELMONT VILLAGE (Registration No. 2265492, registered on July 27, 1999) (hereinafter the "Mark"). Complainant also operates two websites under the <belmontvillage.com> and <belmontvillageassistedliving.com> domain names that resolve to websites that provide information on its senior living facilities. Complainant registered its domain names on August 14, 1997, and November 23, 2011, respectively.

Respondent registered the Disputed Domain Name on December 2, 2022, long after Complainant registered the Mark and domain names. The Disputed Domain Name currently resolves to an inactive webpage.

5. Parties' Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to its BELMONT VILLAGE Mark, as the Disputed Domain Name incorporates the entirety of the Mark, only containing an intentional misspelling – adding an additional letter "l" in the term "village."

Next, Complainant states that Respondent has no rights or legitimate interests in the Disputed Domain Name, as Respondent is not affiliated with Complainant and Complainant has not authorized Respondent to use the Disputed Domain Name. According to Complainant, Respondent is using the Disputed Domain Name to attract Internet users to Respondent's website, for commercial gain, by creating a likelihood of confusion with Complainant's Mark.

Finally, Complainant alleges that Respondent registered and continues to use the Disputed Domain Name in bad faith. Complainant contends that its Mark is distinctive, and therefore, Respondent must have been aware of Complainant's rights in the BELMONT VILLAGE Mark when it registered the Disputed Domain Name. Complainant further states that Respondent must intend for consumers to assume that the Disputed Domain Name is associated with Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant's trademark registration establishes that it has rights in the BELMONT VILLAGE Mark. The Panel further finds that the Disputed Domain Name is confusingly similar to

Complainant's Mark. Respondent's addition of an extra "l" is an example of an intentional misspelling of a trademark that results in a domain name that is confusingly similar to the Mark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.9; see also, e.g., *Accenture Global Services Limited v. Name Redacted*, WIPO Case No. [D2018-0777](#) (finding <accenture.com> confusingly similar to the ACCENTURE mark); and *Novartis AG v. Whois Agent (651421573)*, *Whois Privacy Protection Service, Inc. / Wis Inc, WIS INC.*, WIPO Case No. [D2021-1521](#) (finding <consentyx.com> confusing similar to the COSENTYX mark).

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its trademark. Respondent also has not answered this Complaint and there is no evidence or reason to suggest Respondent is, in fact, commonly known by the Disputed Domain Name or that Respondent is using the Disputed Domain Name in connection with a *bona fide* offering of goods or services. Rather, the Disputed Domain Name resolves to an inactive website as opposed to any website offering any goods or services, legitimate or otherwise. Additionally, typosquatting is evidence of a lack of rights or legitimate interests in the Disputed Domain Name. See *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#).

The Panel finds that Respondent does not have rights or a legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent registered and used the Disputed Domain Name in bad faith. First, typosquatting, such as the addition of a letter, is evidence that Respondent was aware of and sought to impersonate Complainant when it registered the Disputed Domain Name. See, e.g., *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo, supra*. As such, typosquatting is evidence of bad faith registration of a domain name. See, *Longs Drug Stores Cal., Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#) (finding typosquatting to be evidence of bad faith domain name registration); *Lexar Media, Inc. v. Huang*, WIPO Case No. [D2004-1039](#) ("Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name"); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) ("[typosquatting] is presumptive of registration in bad faith"). Additionally, typosquatting suggests that Respondent hopes in some way to make a profit from the inadvertent typing errors of Internet users who type the BELMONT VILLAGE Mark into their web browsers. The fact that the Disputed Domain Name resolves to an inactive website is no bar to a finding of bad faith, as has been held on many occasions by other UDRP panels. See [WIPO Overview 3.0](#), section 3.3; also, e.g. *Tommy Bahama Group, Inc. v. Registration Private, Domains by Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2019-0195](#) (March 26, 2019); and *Alstom v. Contact Privacy Inc. Customer 1244065242 / Michelle Chung, Chung Limited Co.*, WIPO Case No. [D2019-2718](#) (December 19, 2019).

Accordingly, the Panel holds on the circumstances of this case that the Disputed Domain Name was registered and used in bad faith.

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, <belmontvillage.com> be transferred to Complainant.

/Lawrence K. Nodine/
Lawrence K. Nodine
Sole Panelist
Date: March 3, 2023