ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Josh Maxwell Kellman v. Andre Wilmore, Dray International Collection
Case No. D2026-3552

1. The Parties

The Complainant is Josh Maxwell Kellman, United States of America ("United States" or "U.S"), representing himself.

The Respondent is Andre Wilmore, Dray International Collection, United States, representing himself.

2. The Domain Names and Registrar

The disputed domain names <18bartsdistrict.com> and <18bartsdistrict.org> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 11, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 11, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named the Respondent (Domains By Proxy, LLC (privacy/proxy service of record)) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 2026, 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 amendment to the Complaint on August 12, 2026.

The Center verified that the Complaint together with the amendment to the 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 August 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2026. The Response was filed with the Center on September 3, 2026.

The Center appointed David H. Bernstein as the sole panelist in this matter on September 9, 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, paragraph 7.

4. Factual Background

The Complainant is an individual who owns U.S. Trademark Registration No. 8,365,033 for the mark 18B THE LAS VEGAS ARTS DISTRICT. The Complainant filed his application for this trademark on January 5, 2026. The United States Patent and Trademark Office (USPTO) issued the registration on July 28, 2026. The registration covers "promoting the artwork of Las Vegas area artists" in International Class 35 and claims January 15, 2018, as the date of first use and first use in commerce.

The Complaint also refers to an earlier trademark registration for a similar 18B THE LAS VEGAS ARTS DISTRICT mark, U.S. Trademark Registration No. 3,713,443. That registration was owned by The Las Vegas Arts District Neighborhood Association. It was registered on November 17, 2009, but lapsed in 2020 when The Las Vegas Arts District Neighborhood Association failed to renew the registration. That registration claimed first use and first use in commerce of October 10, 2005.

The Respondent is an individual artist who has displayed his work in Las Vegas since 2004. He registered the disputed domain names on September 25, 2024. The website of the disputed domain name <18bartsdistrict.com> displays the heading "18B ARTS DISTRICT", the phrase "Where Art Meets Culture", and includes a "Contact Us" form for visitors to provide their name, email, a message, and sign up for an email list. The website also includes the footer "Copyright © 2025 18B ARTS DISTRICT - All Rights Reserved". The website of the other disputed domain name, <18bartsdistrict.org>, is identical except it includes a different phrase—"Vibrant Art Hub".

5. Parties' Contentions

A. Complainant

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

The Complainant alleges that he is the board president of two nonprofit organizations: 18b The Las Vegas Arts District Neighborhood Association and 18b The Las Vegas Arts District Fund.[1] The Complainant states that those nonprofits have operated continuously under the "18b" name in downtown Las Vegas's arts district since 2003, including through recurring public events. The Complainant states that he is bringing the Complaint individually and as board president of these nonprofits.

[1] The registrant of the earlier trademark—The Las Vegas Arts District Neighborhood Association—does not match the entity name of either nonprofit organization of which the Complainant alleges he is the board president. Although the registrant's name appears to be the former name of 18b The Las Vegas Arts District Neighborhood Association based on the Nevada Secretary of State website (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8 ("panel may undertake limited factual research into matters of public record")), the Complainant includes no allegations connecting the nonprofit organizations mentioned in the Complaint to the registrant. The Panel therefore refers to the registrant by the name that appears in the trademark registration—The Las Vegas Arts District Neighborhood Association.

The Complainant contends that the disputed domain names incorporate the Complainant's registered trademark in its entirety, removing only the definite article "the" and the spacing between words, which does not prevent a finding of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainant contends that the Respondent is not authorized to use the registered trademark, is not commonly known by the disputed domain names, and is not using the disputed domain names in connection with a bona fide offering of goods and services. Instead, the Respondent is impersonating the Complainant's identity, including through false copyright notices, to allegedly collect visitor contact information.

Finally, the Complainant contends that the Respondent registered and uses the disputed domain names in bad faith. Because of the public visibility of the Complainant's nonprofits and their established use of the "18b" name in the Las Vegas Arts District, the Complainant alleges that it is implausible that the Respondent was unaware of the Complainant's rights at the time the Respondent registered the disputed domain names. The Complainant contends that the registration of the two disputed domain names on the same day, their nearly identical content, and the fact that they are used to collect contact information from visitors, reflects a deliberate scheme and is consistent with an intent to trade on the goodwill of the Complainant's trademark and collect the personal data of individuals who reasonably believe that they are reaching the nonprofit organizations associated with the Complainant.

B. Respondent

The Respondent contends that the Complainant has not satisfied the second and third elements required under the Policy for a transfer of the disputed domain names and requests that the Panel make a finding of Reverse Domain Name Hijacking.

As to the first element, the Respondent states that he does not concede every right alleged by the Complainant but will focus principally on the second and third elements.

The Response includes evidence of his connection to the Las Vegas Arts District going back to 2004, including gallery operations, public art activity, and documentary work. The Respondent states that he registered the disputed domain names for a Las Vegas Arts District history, museum, archive, documentary, and cultural preservation project. The Respondent contends that this evidence of his longstanding connection to the Las Vegas Arts District supports his rights or legitimate interests in the disputed domain names. The Respondent argues that this evidence shows that he registered the disputed domain names for reasons unrelated to the Complainant's mark.

The Respondent also contends that the Complainant has not established bad faith registration and use. The Respondent registered the disputed domain names before the Complainant filed his federal trademark application. The Respondent contends that the earlier federal registration was owned by The Las Vegas Arts District Neighborhood Association, not the Complainant, and that the Complaint does not connect the nonprofit's rights in the earlier registration to the Complainant as an individual. The Respondent further contends that his knowledge of 18b and The Las Vegas Arts District is not proof that he registered the disputed domain names to trade on the Complainant's goodwill. The Respondent also contends (without explanation) that the copyright notices on the websites reflect copyrights in the content of the websites, not the Complainant's mark, and are neither false nor support impersonation. The Respondent denies registering or using the disputed domain names for phishing, impersonation, or diversion.

6. Discussion and Findings

To have the disputed domain names transferred, the Complainant must show by a preponderance of the evidence:

i. that the disputed domain names are identical or confusingly similar to a trademark or service mark in which it holds rights;

ii. that the Respondent has no rights or legitimate interests in the disputed domain names; and

iii. that the disputed domain names were registered and used in bad faith.

The Complainant has satisfied the first two elements but fails to establish the third.

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 3.1, section 1.7.

The Complainant's trademark registration establishes that the Complainant owns trademark rights in the mark 18B THE LAS VEGAS ARTS DISTRICT. WIPO Overview 3.1, section 1.2.1. But the Complainant is incorrect that the disputed domain names incorporate the mark in its entirety, removing only the definite article "the" and the spacing between words. Both domain names also omit "LAS VEGAS."

Nevertheless, the mark is recognizable within the disputed domain names because the domains incorporate the distinctive element of the mark, "18B". (The disputed domain names also include "ARTS DISTRICT", but that phrase was disclaimed in the trademark registration and is therefore not a protectible, distinctive part of the trademark registration. *Cf.* WIPO Overview 3.1, section 1.10.) Accordingly, the disputed domain names are confusingly similar to a mark in which the Complainant has shown rights for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 is on the Complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

Here, the Complainant has established a prima facie case, and the Respondent has failed to present relevant evidence demonstrating rights or legitimate interests in the disputed domain names. Neither the Complainant nor the nonprofit organizations authorized the Respondent to use the disputed domain names, and there is no evidence that the Respondent or any business he operates is commonly known by the disputed domain names.

The Respondent has shown that he is an artist that has been active within the 18b Arts District, but that alone is not enough to establish rights or legitimate interests in these domain names that impersonate the owner of the arts district trademark. To the contrary, the Respondent appears to acknowledge that any trademark rights in the 18B ARTS DISTRICT mark would be owned by the nonprofit organizations that manage the events and activities in the district.

The Respondent nevertheless claims rights based on his plans for a history, museum, archive, documentary, and cultural preservation project. There are two problems with the Respondent's assertion. First, although one might have a fair use right to reference the 18B THE LAS VEGAS ARTS DISTRICT marks for such a project under United States law, see, e.g., *Toyota Motor Sales v. Tabari*, 610 F.3d 1171, 1176–79 (2010), for purposes of the Policy, such a fair use requires use of a mark that distinguishes the project from the trademark owner and that avoids impersonating the trademark owner. For example, the Respondent might promote such a project at a domain name like <18bartsdistrictunauthorizedmuseum.tld>, but the Policy generally does not permit the impersonation that is reflected in the disputed domain names. WIPO Overview 3.1, section 2.5 (a respondent's use will not be considered fair where it falsely suggests affiliation with the trademark owner). That the disputed domain names resolve to websites that purport to be published by "18B ARTS DISTRICT" exacerbates the risk of impersonation.

Second, even if the Respondent's domain names avoided impersonation, the Respondent has not established use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. WIPO Overview 3.1, section 2.1. The content of the disputed domain names does not show any use in connection with a history, museum, archive, documentary or cultural preservation project; rather, the disputed domain names are used solely to collect contact information. In addition, though the Respondent has produced credible evidence of a longstanding connection to the Las Vegas arts district, the Respondent has not provided relevant evidence of demonstrable preparations for use of the disputed domain names for the alleged history, museum, archive, documentary or cultural preservation project. See WIPO Overview 3.1, section 2.2.

Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to prove that the disputed domain names were both registered and used in bad faith. Failure to prove one is dispositive.

A fundamental flaw in the Complaint is that the Complainant has not shown that he had any ownership rights in the 18B THE LAS VEGAS ARTS DISTRICT trademark prior to his trademark application in January 2026. Nor has he explained what he means by the assertion that he has brought this Complaint both in his individual capacity (as the owner of the federal trademark registration at issue) and as the board president of 18b The Las Vegas Arts District Neighborhood Association and 18b The Las Vegas Arts District Fund. The Complaint could have included the nonprofits as parties, but it did not, and therefore the Panel will not treat them as if they were parties in this proceeding.

The trademark ownership and relationship issues are not at all clear from the Complaint.[2] The history of the ownership of the trademark is confusing, because the prior registration was owned by The Las Vegas Arts District Neighborhood Association. The record contains no information on why the nonprofit allowed that registration to lapse, whether (if ever) the trademark was assigned to the Complainant, why the Complainant is now the owner of the trademark, and whether the Complainant has licensed the mark to The Las Vegas Arts District Neighborhood Association for its use.

In the absence of evidence on these matters, the Panel is left only with the fact of the Complainant's application to register this trademark in January 2026. Although the Complainant's application claims use of the mark by the Complainant going back to 2018, that assertion seems inconsistent with the fact that The

[2] Both parties' submissions in this case appear to have been written with the assistance of generative artificial intelligence. That itself is not problematic, but it can lead to the very problems evident in both parties' pleadings. With respect to the Complaint, over-reliance on genAI without careful oversight or human vetting appears to have led to such flaws as recitation of the UDRP elements without providing sufficient supporting facts, sweeping generalizations that are unsupported by the factual record, and arguments that have not been carefully considered by someone experienced in UDRP matters who can identify potential deficiencies. Similar problems plague the Response, along with an improper focus on tangential, if not totally irrelevant, facts rather than facts about the use of the disputed domain names, and the use of bald pronouncements without adequate explanation.

Las Vegas Arts District Neighborhood Association was the owner of the trademark at that time (and that it claimed use back to 2005, which also is different from the Complainant's assertion that the mark had been used since 2003). The Panel further notes that the Complainant has not offered any evidence showing that he personally used the trademark from 2018 through 2025, or that any use of the trademark by The Las Vegas Arts District Neighborhood Association during that period was under license or otherwise inured to his benefit. Nor has he submitted any evidence that The Las Vegas Arts District Neighborhood Association owned the trademark rights at the time the Respondent registered the disputed domain names and assigned the trademark and its goodwill to him personally. The Complaint does state that the nonprofit organizations have operated under the "18b" name since as early as 2003 and that the current registered mark is used on their behalf, but as noted above, the nonprofits are not parties to this matter. The Complainant's status as board president does not establish that he individually owned the nonprofits' trademark rights or goodwill.

The Complainant also cannot rely on The Las Vegas Arts District Neighborhood Association's prior trademark registration. That registration was canceled in 2020, and the Complaint provides no evidence that the Complainant was authorized to invoke that nonprofit's rights or that he used that mark. The Complaint also does not explain why neither nonprofit was named as a Complainant or why the current registration is in the Complainant's name as opposed to one of the nonprofits. This is especially curious if 18b The Las Vegas Arts District Neighborhood Association is in fact the same nonprofit that owned the earlier trademark registration.

Given these inconsistencies and the absence of relevant evidence, the Panel is only able to find that the Complainant has trademark rights that date back to the January 2026 filing date of the present registration. The record lacks any assertions of fact that would support a finding that the Complainant owned earlier trademark rights.

The Panel's determination that the Complainant has not established any earlier trademark rights necessarily means that the Complainant has failed to establish bad faith registration. When the Respondent registered these domain names in 2024, it may have been in bad faith targeting of The Las Vegas Arts District Neighborhood Association (if it was the owner of the rights at the time), but it cannot have been in bad faith targeting of the Complainant if the Complainant did not own the relevant rights at the time. Where a respondent registers a domain name before a complainant's trademark rights accrue, panels ordinarily do not find bad faith registration. WIPO Overview 3.1, section 3.8.1.

The Panel reaches this conclusion reluctantly. Had the Complaint presented factual allegations or documentary evidence to explain his claimed ownership and use of the mark, or his contractual relationship with the nonprofits such as licenses related to the mark, or joined the nonprofits as complainants, the Complaint may have been meritorious. But the Panel cannot order transfer based on rights not adequately alleged in the Complaint.[3] It is not sufficient for a complaint to merely recite the elements of the Policy. Here, the Complaint fails to sufficiently plead the factual connection between the individual Complainant and his own use of his registered mark before January 2026, the nonprofit organizations' historical use, or any alleged trademark rights existing when the disputed domain names were registered.

[3] The Panel considered but decided not to issue a procedural order seeking further evidence. The missing facts concern matters within the Complainant's knowledge and control. Under well-established UDRP precedent, these are matters that need to be proven and are central to the Complainant's burden of proof. The Panel therefore does not find that the defects were unforeseeable or that fairness calls for a procedural order giving the Complainant a second chance to submit adequate evidence. WIPO Overview 3.1, section 4.7. Nor should the Complainant be given an opportunity to file a new complaint to correct the pleading deficiencies here unless there are material changes in the underlying facts. *Id.*, section 4.18.

The Respondent should not, however, take comfort in his use of the disputed domain names based on this decision. As stated in the discussion of the second element, the disputed domain names and their content create a misleading impression of affiliation with the Complainant's mark and the nonprofits, and the Respondent has not presented credible evidence that his use is in connection with a bona fide offering or a legitimate noncommercial use. These facts support a finding of use in bad faith. But that finding cannot establish the third element where bad faith registration has not been established. See *Mile, Inc. v. Michael Burg*, WIPO Case No. D2010-2011.

The Panel therefore finds the third element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the Complaint is not, on its own, sufficient to constitute Reverse Domain Name Hijacking. WIPO Overview 3.1, section 4.16.

Although the Complainant has failed to justify relief under the Policy, there is no evidence that his claim was brought in bad faith. To the contrary, the Complaint may have succeeded had it been more artfully drafted with appropriate supporting evidence. The Complainant holds a valid U.S. trademark registration for the mark, and has some connection to nonprofit organizations with historic use of, and goodwill in, the mark (even if that connection was not adequately explained in the Complaint). Further, the disputed domain names are confusingly similar to the mark, the Respondent has not shown rights or legitimate interests in the disputed domain names, and the Respondent appears to be using the disputed domain names in bad faith to impersonate and/or suggest an affiliation with the Complainant and/or The Las Vegas Arts District Neighborhood Association. The Complainant had a plausible basis to bring the Complaint based on these facts even though the Complaint itself was ultimately deficient.

The Panel therefore declines to make a finding of Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/
David H. Bernstein
Sole Panelist
Date: September 23, 2026