

## **ADMINISTRATIVE PANEL DECISION**

Jafer Enterprises R&D, S.L.U. v. Toni Ehrhard  
Case No. D2025-0803

### **1. The Parties**

The Complainant is Jafer Enterprises R&D, S.L.U., Spain, represented internally.

The Respondent is Toni Ehrhard, United States of America ("United States"), self-represented.

### **2. The Domain Name and Registrar**

The disputed domain name <beliahome.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 26, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 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 amendment to the Complaint on February 28, 2025.

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 March 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2025. The Response was filed with the Center on March 19, 2025.

The Center appointed John Swinson as the sole panelist in this matter on March 25, 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 is an international company based in Barcelona, specializing in the design, creation, registration and exploitation of trademarks, formulas, fragrances, cosmetic products, and the research and development of technologies.

The Complainant is the owner of numerous registered trademarks, including BELIA, BELIA CASA & ESTILO and BELIA HOME.

For example, the Complainant owns Spanish trademark registration number M3020315 for BELIA that has an application date of March 1, 2012, and a registration date of July 4, 2012, Colombian trademark registration number 473901 for BELIA CASA & ESTILO that has a registration date of June 21, 2013.

The Complainant also owns trademark registrations for BELIA HOME in various jurisdictions. These trademarks were filed in 2024. An example in Mexican trademark number 2747028.

The Complainant operates a website at <beliatrading.com> and owns a variety of domain names, including for example <beliahomemexico.com>.

The disputed domain name was registered on February 11, 2016.

At the present time, the disputed domain name does not resolve to an active website.

At one time, the disputed domain name was listed for sale via the GoDaddy domain name resale website for USD 100,000.

#### **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 it has uninterruptedly held exclusive rights over the term "belia" for several years prior to the registration of the disputed domain name (since November 2011). Additionally, the disputed domain name is identical to the Complainant's trademarks BELIA HOME. Any argument aimed at excluding the trademarks BELIA HOME because they are of recent application should be rejected, as the Policy does not require the Complainant's trademarks to have been registered prior to the acquisition of the disputed domain name by the Respondent to assess the identity between them for the first element of the Policy.

The Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services.

Neither the Complainant's trademarks nor the disputed domain name consist of a dictionary term that is or could be used for descriptive purposes.

There is evidence that the disputed domain name was registered primarily for the purpose of selling or transferring the disputed domain name to the Complainant. The Complainant provided evidence that the disputed domain name is being advertised for sale in the auction section of GoDaddy. The auction indicates that the minimum amount to make an offer for the disputed domain name is USD 100,000, without allowing to initiate a bid for less than such amount.

It is highly unlikely that the Respondent simply thought up the name BELIAHOME without reference or knowledge of the Complainant's trademarks BELIA or BELIA CASA & ESTILO. It is far more likely that the Respondent would have conducted some sort of preliminary search to ensure that the disputed domain name would not infringe prior exclusive rights of third parties or that it is not being used by third competitors.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent contends that the Respondent was unaware of the Complainant and its marks when it registered the disputed domain name in 2016. The Respondent states that it registered the disputed domain name because the term "belia" is an Italian female name meaning beautiful, and because the term "bellahome" was unavailable.

The Respondent asserts that it intended to use the disputed domain name to sell goods that did not conflict with the goods covered by the Complainant's trademark registrations.

The Respondent states that it did not list the disputed domain name for sale on the GoDaddy auction website.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

### **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, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of several trademarks or service marks (namely BELIA and BELIA HOME) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the BELIA and BELIA HOME marks are reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

## **B. Rights or Legitimate Interests**

In view of the Panel's finding in respect of the third element of the Policy, the Panel does not need to address the second element of the Policy.

## **C. Registered and Used in Bad Faith**

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the Respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

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.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Respondent states that it was not aware of the Complainant, the Complainant's business, the Complainant's marks and the Complainant's websites when it registered the disputed domain name. On the evidence before the Panel, the Complainant has presented no evidence of why a person in Oklahoma, United States, such as the Respondent, should have been aware of the Complainant or its marks in 2016. The Complainant appears to do business in Mexico, Latin America and South America. The Complainant's website is in the Spanish language. There is no evidence as to the Complainant's reputation, sales or number of customers, or whether the Complainant sells its products via retail channels or wholesale channels. As far as the Panel can determine, the Complainant has no relevant trademark registrations in the United States. There is no evidence as to when the Complainant commenced use of BELIA HOME (as distinct from BELIA alone) – there are trademark registrations for BELIA HOME filed in 2024 which is after the Respondent registered the disputed domain name. While the Complainant had some trademarks registered for BELIA CASA & ESTILO prior to the registration of the disputed domain name, the Panel considers that the Complainant has not provided enough evidence to conclude that the Respondent targeted such trademark through the registration of the disputed domain name. There is little or no evidence that suggests that a person in the position of the Respondent would likely be aware of the Complainant or its brands in 2016 when it registered the disputed domain name.

The Complainant asserts that it is highly unlikely that the Respondent would have selected the disputed domain name without knowledge of the Complainant's marks.

The Respondent states that prior to registering the disputed domain name, it wanted to use the name "bella home" but that name was not available. It states: "So I searched for another word that meant 'beautiful', and discovered the female name 'belia' meant beautiful and that's how I settled on 'belia home.' So there was no ulterior motive, for resale profit of the domain."

The Panel's research suggests that the female name "Belia" is a variant of the Spanish name Isabel and the French name Isabelle, both of which derive from the Hebrew name Elisheva, meaning "God's promise".

The Respondent's story as to why it selected the disputed domain name in 2016 does not appear farfetched.

The Complainant has not attempted to demonstrate that the Respondent was aware or likely aware of the Complainant or its trademark in 2016 and registered the disputed domain name in 2016 with the intent to take advantage of the trademark value or significance of the Complainant's mark.

The Respondent has owned the disputed domain name for approximately 9 years. There is no evidence of any use of the disputed domain name. The third element of the Policy requires that the Complainant prove both bad faith registration and bad faith use. Here, there is no evidence in the Complainant of bad faith registration and use of the disputed domain name by the Respondent.

The Respondent states: "Unfortunately, due to other business interests, and family health issues, I had to place my plans to have a website designed and my business plans for 'belia home' on hold for a much longer period of time than expected. I have maintained the registration of the domain because as I still have plans to have a website designed and my business up and running."

The Respondent is not using, and there is no evidence that the Respondent has ever used, the disputed domain name. The Panel has considered the passive holding doctrine that was established in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). In the *Telstra* case, the complainant's trademark was one of the most famous in Australia, the complainant provided substantial evidence of its reputation in Australia, the respondent had an Australian address and was likely aware of the complainant, and the respondent used a fake name to conceal his or her identity. As stated above, there is no evidence that the Respondent was likely aware of the Complainant. Thus, there is not passive holding under the test set out in the *Telstra* case sufficient to establish bad faith use. *Kelin S.r.l. v. Privacy Service provided by Withheld for Privacy ehf / Vincent Cammarata*, WIPO Case No. [D2022-0746](#).

The primary argument that the Complainant puts forward in relation to bad faith is the that disputed domain name was listed for sale for USD 100,000.

In some circumstances, the price of the disputed domain name could be a factor that may allow the panel to infer that because only a business of the size of the complainant could or would pay that price, the respondent is targeting the complainant. On the other hand, if the disputed domain name in fact is likely registered without knowledge of the complainant and otherwise in good faith, then setting a high price would be a matter purely for the respondent in view of its business plans. *Calmino group AB v. Domain Administrator, DomainMarket.com*, WIPO Case No. [D2024-1579](#).

The Respondent states: "The registered respondent was totally unaware of the Go-daddy domain auction site, until referenced in one of the annexes provided by Complainant. I do not know who was behind that listing as it was not me, the registered respondent of the domain name in question. I was unaware one could auction a domain name."

There is no evidence that the Respondent owns any other domain names or is engaged in a business of reselling domain names due to its significance as a trademark belonging to third parties. It does not appear likely that a person in the position of the Respondent would have selected the Complainant as its first and only target to whom to resell a domain name.

The Complainant has not provided sufficient evidence to demonstrate that the Respondent registered the disputed domain name with the intent to resell it to the Complainant. Panels have drawn a distinction between an offer made by the respondent directly to the complainant and the general listing or advertising of the domain name for sale where a respondent may not have registered such domain name due to its significance as a trademark belonging to others. Without more, a general offer to sell or an invitation to submit an offer for a domain name does not in itself constitute bad faith.

The Complainant's argument that if the Complainant tries to access the disputed domain name with a firewall program enabled, the security policy prevents access by categorizing the disputed domain name as a "malicious site" is not sufficient in itself, nor in the circumstances of the case, to conclude that the Respondent has acted in bad faith.

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

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: April 8, 2025