

ADMINISTRATIVE PANEL DECISION

Kelly Wearstler, LLLP v. Name Redacted
Case No. D2025-1287

1. The Parties

Complainant is Kelly Wearstler, LLLP, United States of America (“United States”), represented by Neal, Gerber & Eisenberg LLP, United States.

Respondent is Name Redacted.¹

2. The Domain Names and Registrar

The initial disputed domain names <kellywearstler-arts.com>, <kellywearstlerhome.com>, <kellywearstlerhomly.com> and <kellywearstlerstyle.com> are registered with Dominet (HK) Limited (the “Registrar”).

The additional disputed domain names <kellywearstlerhomey.com> and <kellywearstlerhomly.com> are registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 29, 2025. On March 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the initial disputed domain names. On April 1, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the initial disputed domain names which differed from the named Respondent (Dominet (HK) Limited d/b/a Alibaba.com Singapore E-commerce Private Ltd.) and contact information in the Complaint. The Center sent an email communication to Complainant on April 4, 2025, 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 April 10, 2025.

¹The 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 the 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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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](#).

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 Respondent of the Complaint, and the proceedings commenced on April 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on May 6, 2025.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on May 12, 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.

The Panel notes additional proceedings as follows. On April 17 and 23, 2025, Complainant sent email communications requesting the addition of the disputed domain names <kellywearstlerhomey.com> and <kellywearstlerhomly.com> (the "additional disputed domain names") into the proceeding. The Center replied, on April 28, 2025, indicating that the Rules do not explicitly provide for a Complaint to be amended after the commencement of proceeding to include additional domain names and that it is for the Panel to determine when appointed whether or not to accept the addition of new domain names to the Complaint and order further procedural steps, if any. On April 28, 2025, Complainant filed a second amended Complaint in which it included the additional domain names. On May 23, 2025, the Panel requested the Center to obtain registrar verification for the additional disputed domain names, which the Registrar did on May 27, 2025, confirming that the additional disputed domain names were registered by the same Respondent. On May 28, 2025, the Panel issued Procedural Order No.1, noting the Panel's decision to consider the addition of the domain names to the proceeding, and inviting the Parties to provide comments. No further filings were received from the Parties. In accordance with the Policy and the Rules, and for the reasons further discussed herein, the Panel incorporates these additional domain names in this Decision.

4. Factual Background

Complainant is a company based in the United States. For decades prior to the registration of the disputed domain names, Complainant has offered interior decorating products and services under the mark KELLY WEARSTLER. In this regard, Complainant is the owner of numerous registrations for its KELLY WEARSTLER mark in jurisdictions around the world. These include, among others, International Registration No. 1,080,353 (registered March 21, 2011) and United States Registration No. 4,022,877 (registered September 6, 2011).

The disputed domain names <kellywearstler-arts.com>, <kellywearstlerhome.com>, and <kellywearstlerstyle.com> were registered on January 24, 2025. The disputed domain name <kellywearstlerhomy.com> was registered on March 17, 2025. The disputed domain names <kellywearstlerhomey.com> and <kellywearstlerhomly.com> were registered on April 8, 2025, and April 15, 2025, respectively, both after the Complaint was filed.

Each of the disputed domain names have been linked to a website or websites that mimic an official website of Complainant, displaying Complainant's marks and references to Complainant's interior decorating products and services offered under Complainant's KELLY WEARSTLER mark. Complainant has further provided un rebutted evidence on record that Respondent has used at least one of the disputed domain names in connection with an email address to impersonate Complainant and its official agents. Two of the disputed domain names were registered after Respondent was notified of the Complaint.

5. Parties' Contentions

A. Complainant

Complainant contends that (i) the disputed domain names are identical or confusingly similar to Complainant's trademark, (ii) Respondent has no rights or legitimate interests in the disputed domain names; and (iii) Respondent registered and is using the disputed domain names in bad faith.

Specifically, Complainant contends that it owns rights to the KELLY WEARSTLER mark, which is "distinctive, strong, and highly recognized," as noted by various news media globally, such as Elle Décor and Forbes.

Complainant contends that Respondent has incorporated in full Complainant's KELLY WEARSTLER mark into the disputed domain names, with only the addition of dictionary terms or slight misspellings thereof.

Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain names and rather has registered and is using them in bad faith, having simply acquired the disputed domain names for Respondent's own commercial gain. In particular, Complainant asserts that Respondent has redirected the disputed domain names to websites that mimic an official website of Complainant and that Respondent has set up an email address associated with at least one of the disputed domain names, which Respondent has used in a phishing attempt to impersonate Complainant for recruitment.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel must first determine whether the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that they are. Each of the disputed domain names directly incorporates the Complainant's KELLY WEARSTLER mark, with only the addition of a term or word. The Panel finds the mark is recognizable within each of the disputed domain names. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel therefore finds that each of the disputed domain names is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel next considers whether Complainant has shown that Respondent has no "rights or legitimate interests", as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name "in connection with a bona fide offering of goods or services"; (ii) demonstration that respondent has been "commonly known by the domain name"; or (iii) "legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue".

No evidence has been presented to the Panel that might support a claim of Respondent's rights or legitimate interests in the disputed domain names, and Respondent has no license from, or other affiliation with, Complainant. Furthermore, UDRP panels have held that the use of a domain name for illegal activity can never confer rights or legitimate interests upon a respondent. [WIPO Overview 3.0](#), section 2.13.

Therefore, the Panel finds that Complainant has made a prima facie showing of Respondent's lack of rights or legitimate interests in the disputed domain names in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Decision, each of the disputed domain names has been linked to a website or websites that mimic an official website of Complainant, displaying Complainant's marks and references to Complainant's interior decorating products and services offered by Complainant under its KELLY WEARSTLER mark. Complainant has further provided unrebutted evidence on record that Respondent has used at least one of the disputed domain names in connection with an email address to impersonate Complainant and its official agents. Panels have held that the use of a domain name for illegal activity, here claimed as impersonation/passing off, constitutes bad faith. See [WIPO Overview 3.0](#), section 3.4.

Therefore, the Panel finds sufficient evidence that Respondent registered and is using the disputed domain names in bad faith for purposes of paragraph (4)(a)(iii) 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 names <kellywearstler-arts.com>, <kellywearstlerhome.com>, <kellywearstlerhomy.com>, <kellywearstlerstyle.com>, <kellywearstlerhomey.com> and <kellywearstlerhomly.com> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: June 11, 2025