

ADMINISTRATIVE PANEL DECISION

Belmont Village, L.P. v. Clark Smith, VEMOBLI
Case No. D2025-1327

1. The Parties

The Complainant is Belmont Village, L.P., United States of America, represented by Smith, Gambrell & Russell, LLP, United States of America.

The Respondent is Clark Smith, VEMOBLI, United States of America.

2. The Domain Name and Registrar

The disputed domain name <belmont-village-senior-living.cfd> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2025. On April 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 (*VEMOBLI*) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 3, 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 amended Complaint on April 3, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 28, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on May 2, 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 a United States limited partnership that provides the services of assisted living facilities to seniors under its BELMONT VILLAGE and BELMONT VILLAGE SENIOR LIVING trademarks. The Complainant owns numerous trademark registrations for its BELMONT VILLAGE and BELMONT VILLAGE SENIOR LIVING marks, including the following:

- BELMONT VILLAGE, United States Trademark Registration No. 2265492, registered July 27, 1999, in class 42, for “providing assisted living facilities”;
- BELMONT VILLAGE (stylized), United States Trademark Registration No. 2651928, registered November 19, 2002, in class 43;
- BELMONT VILLAGE SENIOR LIVING (stylized, and “SENIOR LIVING” disclaimed), United States Trademark Registration No. 4907602, registered March 1, 2016, in class 43.

The Complainant is also the registrant of the domain names <belmontvillage.com> and <belmontvillageassistedliving.com>, with the resolving websites used in connection with the Complainant’s senior assisted living facilities.

The Respondent appears to be located in the United States, and registered the disputed domain name on March 17, 2025. The disputed domain name resolves to parked page displaying links to third parties, such as “Senior Care”, “Senior Care Services” and “Senior Care Facilities”.

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 the disputed domain name is confusingly similar to the Complainant’s BELMONT VILLAGE and BELMONT SENIOR LIVING marks. The disputed domain name consists of the terms, “Belmont Village Senior Living”, which is the same as the Complainant’s registered trademark, Registration No. 4907602, as well as the Complainant’s other registered trademarks for BELMONT VILLAGE.

The Complainant avers that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no relationship with the Complainant and is not operating a legitimate Belmont Village facility. The Complainant has not given the Respondent authorization to use its marks or any permutation of them. The Respondent is using the disputed domain name to intentionally attempt to attract for commercial gain, Internet users to the Respondent’s website or other on-line location, by creating a likelihood of confusion with the Complainant’s marks as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location or of a product service on the Respondent’s website or location.

The Complainant further argues that the disputed domain name was registered and is being used in bad faith. As previously noted, the Respondent has no relationship with the Complainant and it is not operating a legitimate Belmont Village facility, along with the Complainant having not given the Respondent authorization to use its marks or any permutation of them.

The links at the resolving parked page are an attempt to intentionally attract for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location and does not characterize a bona fide offering of goods or services under the Policy.

In addition, the BELMONT VILLAGE and BELMONT VILLAGE SENIOR LIVING marks are distinctive. Given the distinctiveness of the Complainant's trademarks, there is a risk that people would fall for fraudulent emails from scammers pretending to be from the Complainant. The registration of the disputed domain name is likely to have been registered in contemplation of an attempt to take advantage of the reputation of the Complainant's marks.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant's BELMONT VILLAGE trademark is reproduced within the disputed domain name. The addition of the words "senior living" do not detract from the distinctiveness of the Complainant's BELMONT VILLAGE trademark and therefore do not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8. See *Belmont Village Senior Living v. Belmont Senior*, WIPO Case No. [D2017-0153](#). Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "senior living", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The Complainant additionally has service mark rights in U.S. service mark for BELMONT VILLAGE SENIOR LIVING Registration No. 4907602, although "senior living" is disclaimed in the Complainant's registration. However, the dominant portion of the mark is BELMONT VILLAGE. The disclaimed and stylized portions of the mark are largely disregarded for purposes of assessing identity or confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.10.

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 in UDRP proceedings is on the complainant, panels have recognized that proving 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 come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds 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 Respondent has no relationship with the Complainant and is not operating a legitimate Belmont Village facility. The Complainant has not given the Respondent authorization to use its marks or any permutation of them. The Respondent has not come forth with any evidence of a legitimate interest in the disputed domain name. In addition, the disputed domain name is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See *Belmont Village, L.P. v. Rich Seeley*, WIPO Case No. [D2023-2269](#).

Panels have held that the use of a domain name for illegitimate activity for impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

The Panel notes that, 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.

In the present case, the Panel notes that the Respondent registered the disputed domain name several years after the Complainant had obtained registrations for its BELMONT VILLAGE and BELMONT VILLAGE SENIOR LIVING marks. This Panel agrees with prior UDRP panels in determining that there is a lack of evidence denying these marks being distinctive. See *Belmont Village Senior Living v. Belmont Senior*, WIPO Case No. [D2017-0153](#). The term "senior living", in addition to being part of some of the Complainant's marks, is also a term that is included in the pay-per-click links on the disputed domain name's website. Additional PPC links are related to "senior care", which is the nature of the assisted living facilities operated by the Complainant. Based on the disputed domain name resolving links containing terms related to the Complainant's services, it is highly likely that the Respondent was aware of the Complainant's trademark when it registered the disputed domain name.

Although the PPC links might be automatically generated by the hosting registrar, UDRP panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links ipso facto vest the respondent with rights or legitimate interests). [WIPO Overview 3.0](#), section 3.5.

Additionally, the Respondent's contact information appears to be false, given that the address provided includes a zip code for a different state, and the provided street address that is made up.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. Based on the Respondent's use of false contact information, registration of the disputed domain name which incorporates the entirety of the Complainant's mark and a term related to the Complainant's services, use of related terms in PPC links that

may lead to competitors of the Complainant, failure to show any rights or legitimate interests, and failure to respond or provide evidence of why it selected the disputed domain name, are in total, clear indications that the disputed domain name was registered and has been used in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 name <belmont-village-senior-living.cfd> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: May 20, 2025