

ADMINISTRATIVE PANEL DECISION

Belmont Village, L.P. v. Kevin Njoroge, Kompetenz
Case No. D2026-0816

1. The Parties

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

The Respondent is Kevin Njoroge, Kompetenz, Kenya.

2. The Domain Name and Registrar

The disputed domain name <belmontvillagesl.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2026. On February 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 9, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 2, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on April 13, 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

According to information in the Complaint, the Complainant is a United States limited partnership that provides 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 on July 27, 1999, in class 42, for “providing assisted living facilities”;
- BELMONT VILLAGE (stylized), United States Trademark Registration No. 2651928, registered on November 19, 2002, in class 43;
- BELMONT VILLAGE SENIOR LIVING (stylized, and “SENIOR LIVING” disclaimed), United States Trademark Registration No. 4907602, registered on March 1, 2016, in class 43.

The Complainant also owns registrations for the domain names <belmontvillage.com> and <belmontvillageassistedliving.com>.

No information is available on the Respondent apart from the data revealed by the Registrar.

The disputed domain name was registered on November 11, 2025 and does not resolve to an active website.

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 similar to the Complainant's trademarks and domain names, as the disputed domain name consists of the Complainant's BELMONT VILLAGE trademark and the letters “sl”, which is a common abbreviation for “senior living”, further reinforcing an association with the Complainant's trademarks and senior living services.

As regards the second element, the Complainant argues that 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.

With respect to the third element, the Complainant argues that the disputed domain name is inactive, and given the distinctiveness of the Complainant's marks, use of the disputed domain name by the Respondent is likely 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 mark 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.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.1](#), section 4.3.

Even if the Respondent has not replied to the Complainant’s contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is 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 name, and (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel has taken note of the [WIPO Overview 3.1](#), and, where appropriate, will decide consistently with the consensus views stated therein.

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 has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, “sl”) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8. It has also long been held that generic Top-Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. See section 1.11.1 of the [WIPO Overview 3.1](#).

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 that 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 3.1](#), 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.

There is no evidence in the record that the Respondent is currently using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. The Respondent is allegedly called "Kevin Njoroge, Kompetenz" and there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. The Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name.

In addition, the Panel notes that the composition of the disputed domain name reproducing the Complainant's BELMONT VILLAGE trademark with the addition of the letters "sl", which most likely stands for "senior living", which refers to one of the activities provided by the Complainant, carries a risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1.

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.

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. [WIPO Overview 3.1](#), section 3.2.1.

The disputed domain name reproduces, without any authorization or approval, the Complainant's registered BELMONT VILLAGE trademark with the addition of the letters "sl", which most likely stand for "senior living". The disputed domain name was registered over two decades after the Complainant's BELMONT VILLAGE trademark was registered. In addition, the disputed domain name is similar to the Complainant's domain name <belmontvillage.com>. Noting also the composition of the disputed domain name, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the BELMONT VILLAGE trademark. The Respondent provided no explanation for why it registered the disputed domain name.

With regards to the use, the disputed domain name is passively held. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and long use of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good faith use.

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 <belmontvillagesl.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: April 20, 2026