

ADMINISTRATIVE PANEL DECISION

Kelly Wearstler, LLLP v. Kelly Wearstler
Case No. D2026-2609

1. The Parties

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

Respondent is Kelly Wearstler, United States.

2. The Domain Name and Registrar

The disputed domain name <kellywearstler-group.com> (the “Domain Name”) is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 16, 2026. On June 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 17, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Squarespace Domains II LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on June 18, 2026, providing the registrant and contact information disclosed by the Registrar, and requesting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on June 24, 2026.

On June 18, 2026, the Center informed the Parties in Japanese and English, that the language of the Registration Agreement for the Domain Name is Japanese. On June 24, 2026, Complainant requested English to be the language of the proceeding. Respondent did not submit any comment on Complainant’s submission.

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 in Japanese and English of the Complaint, and the proceedings commenced on June 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 14, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 23, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on July 24, 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

Complainant provides interior decorating services and goods under the KELLY WEARSTLER brand and mark. Complainant owns numerous registered trademarks across several jurisdictions, including:

- United States registered trademark number 3725918 for the KELLY WEARSTLER word mark, registered on December 15, 2009;
- Japanese registered trademark number 5377488 for the KELLY WEARSTLER word mark, registered on December 17, 2010; and
- European Union registered trade mark number 011623881 for the KELLY WEARSTLER word mark, registered on August 7, 2013.

Complainant also owns its principal website at "www.kellywearstler.com" and maintains various social media accounts.

The Domain Name was registered on April 12, 2026 and resolved to a webpage featuring the Domain Name and a message in Japanese characters, which, upon translation, appeared to indicate that the website is under construction. Respondent also registered the Domain Name with the Complainant's name, and used this same name as the organization name of the registrant, as well as Complainant's principal office as the mailing address of the registrant.

Upon discovery of the Domain Name, Complainant objected to Respondent's registration and use of the Domain Name. On May 1, 2026, counsel for Complainant contacted the Registrar regarding Respondent's registration of the Domain Name and requested suspension of the Domain Name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for KELLY WEARSTLER and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known KELLY WEARSTLER products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name, which includes Complainant's trademarks, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights. Complainant also argues that while the Registrar had suspended use of the Domain Name, Respondent may still be able to use the Domain Name to set up email capabilities, so as to impersonate or pose as Complainant, and to send phishing messages to Complainant's customers as part of a fraudulent scheme. Complainant submits that it is highly likely an unsuspecting customer would believe that an email from the Registrar-disclosed email address <[...]kellywearstler-group.com> or another [@kellywearstler-group.com](mailto:kellywearstler-group.com) email address originates from, or is affiliated with Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceedings

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

Complainant submitted its original Complaint in English. In its Complaint and amended Complaint, Complainant submitted its request that the language of the proceedings should be English. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Japanese. Respondent did not submit any comment on Complainant's submission.

Complainant submits that the Domain Name consists of English-language words, displayed in Latin characters; that the Domain Name is a fraudulent variation of Complainant's English-language domain name; that Complainant's website is accessible globally, is in English and describes Complainant's services in English, indicating that Respondent is sufficiently familiar with English to understand Complainant's services and marks; and that it would be burdensome, costly, and result in delay, if Complainant is required to translate the Complaint into Japanese.

In exercising its discretion to use a language other than that of the Registration Agreement for the Domain Name, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including matters such as the Parties' ability to understand and use the proposed language, time, and costs.

The Panel accepts Complainant's submissions regarding the language of the proceedings. The Panel also notes that the Domain Name contains Complainant's KELLY WEARSTLER trademarks in their entirety and that the Center notified the Parties in Japanese and English of the language of the proceedings as well as notified Respondent in Japanese and English of the Complaint. Respondent chose not to comment on the language of the proceedings, nor did Respondent choose to file a Response in Japanese or English, and that under paragraph 11(a) of the Rules, the Panel may determine the language of the proceedings having taken into consideration the totality of the circumstances.

Having considered all the circumstances of this case, the Panel determines that English be the language of the proceedings.

6.2. Substantive Issues

WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”) states that failure to respond to the complainant’s contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent’s default is not necessarily an admission that the complainant’s claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the KELLY WEARSTLER trademarks, as noted above. Complainant has therefore proven that it has the requisite rights in the KELLY WEARSTLER trademarks.

With Complainant’s rights in the KELLY WEARSTLER trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain (“TLD”) in which it was registered (in this case, is “.com”), is identical or confusingly similar to Complainant’s trademarks. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant’s KELLY WEARSTLER trademarks as it reproduces the trademark in its entirety. The addition of the term “-group” after Complainant’s trademark in the Domain Name does not prevent a finding of identity or confusing similarity between the Domain Name and the KELLY WEARSTLER trademarks. See section 1.8 of the [WIPO Overview 3.1](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its KELLY WEARSTLER trademarks and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the KELLY WEARSTLER trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the KELLY WEARSTLER trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the Domain Name is inactive. Therefore, the Domain Name has not been used for any bona fide offering of goods or services nor a legitimate noncommercial or fair use. In addition, there is no evidence showing that Respondent has been commonly known by the Domain Name. The use of Complainant’s name when registering the Domain Name does not confer any rights or legitimate interests on Respondent.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Moreover, the composition of the Domain

Name, consisting of Complainant's KELLY WEARSTLER trademark together with the term "group", carries a risk of implied affiliation with Complainant. [WIPO Overview 3.1](#), section 2.5.1.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the KELLY WEARSTLER trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's KELLY WEARSTLER trademarks and related products and services are widely known and recognized. Therefore, and also noting the below use analysis, Respondent was clearly aware of the KELLY WEARSTLER trademarks when it registered the Domain Name.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Moreover, the inclusion of Complainant's trademark in its entirety in the Domain Name, further reflects the awareness that Respondent had of Complainant and its trademarks at the time of registration. Such adoption of Complainant's trademarks and contact details at the time of registration of the Domain Name illustrates Respondent's effort to mislead Internet users as to the Domain Name's association with Complainant, or to mimic Complainant.

Prior to filing of the Complaint, the Domain Name resolved to an inactive webpage, which does not prevent a finding of Respondent's bad faith under the circumstances of the case. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. See also *Brand Shared Services LLC v. Jesse Conwell*, WIPO Case No. [D2025-4486](#) (passive holding of a domain name, in combination with factors

such as domain name composition and reputation of the mark, can constitute registration and use in bad faith under the UDRP), and *Brand Shared Services, LLC v. marilyn yonan*, WIPO Case No. [D2026-0040](#).

Despite being inactive, there is no indication or evidence that Respondent is preparing to use the Domain Name for any other alternate purpose.

Further, the Panel also notes the failure of Respondent to submit a response. In the present circumstances, considering the reputation of the KELLY WEARSTLER trademarks, the passive holding of a domain name that is confusingly similar to Complainant's trademarks, and the use of Complainant's name and contact details when registering the Domain Name, the panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 <kellywearstler-group.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: July 30, 2026