

ADMINISTRATIVE PANEL DECISION

Kelly Wearstler, LLLP v. Kingsley Amakiri, Cyber Technology LTD
Case No. D2026-3244

1. The Parties

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

The Respondent is Kingsley Amakiri, Cyber Technology LTD, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <kellywearstlerid.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 July 23, 2026. On July 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 2026, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 27, 2026, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on August 2, 2026.

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 August 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2026. The Respondent sent an email communication to the Center on August 2, 2026. The Center notified the Parties of the Commencement of Panel Appointment Process on August 26, 2026.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on September 1, 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

The Complainant is a provider of various interior decorating services and goods, from residential and commercial interiors to lighting, fabrics, furniture, art pieces, and home accessories.

The Complainant is the owner of several KELLY WEARSTLER trade marks including European Union Trade Mark KELLY WEARSTLER number 011623881 registered on August 7, 2013.

The disputed domain name was registered on June 16, 2026 and pointed to a webpage under construction. The disputed domain name does not currently point to any website and triggers an error message.

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 highlights the fact that the disputed domain name incorporates its entire KELLY WEARSTLER trade mark to conclude that the disputed domain name is confusingly similar to its trade mark.

The Complainant asserts that there is no legal relationship between the Complainant and the Respondent and that the Complainant has given no license or authorization to the Respondent for the use of its trade mark. The Complainant points to the absence of use of the disputed domain name to conclude that under the circumstances it cannot be considered that there is a legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that given the reputation and distinctiveness of its trade mark, it is implausible that the Respondent would not have been aware of its trade mark at the time of registration of the disputed domain name. The Complainant submits that under the circumstances of the present case, the passive holding of the disputed domain name is indicative of bad faith on the part of the Respondent.

B. Respondent

The Respondent did not reply to the Complainant's contentions but sent an informal communication to the Center on August 2, 2026 explaining that it did not wish to contest the Complaint, that it registered the disputed domain name on behalf of a client's business and was not aware, at the time of registration, that the disputed domain name incorporated the Complainant's trade mark. It added that it has no affiliation with the Complainant and no interest in retaining the disputed domain name.

6. Discussion and Findings

6.1. Preliminary Issue – Respondent Identity

The Respondent's informal communication indicates that the Respondent registered the disputed domain name for someone else.

The Panel notes that paragraph 1 of the Rules defines “Respondent” as “the holder of a domain-name registration against which a complaint is initiated” and that the appointed panel retains discretion to determine the respondent against which the case should proceed.

Considering the circumstances of this proceeding, in particular, the fact that the Respondent did not disclose the beneficial holder’s identity and there is no evidence of the existence and nature of such relationship with a third party, the Panel finds that “Kingsley Amakiri, Cyber Technology LTD” is the Respondent in this proceeding.

6.2. Substantive Issues

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

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

The entirety of the KELLY WEARSTLER trade 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, “id”, 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.

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. The Respondent has even recognized that it has no interest in the disputed domain name.

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 finds that the Respondent (or the client they claim they were mandated by) must have been aware of the Complainant and its KELLY WEARSTLER trade mark given that (i) the disputed domain name reproduces the exact KELLY WEARSTLER trade mark, (ii) the KELLY WEARSTLER trade mark is fanciful and distinctive, (iii) the KELLY WEARSTLER trade mark significantly predates the registration of the disputed domain name, (iv) all first page results of a search on Google for the term “kellywearstler” refer to the Complainant, and (v) the choice of the term “id” appended to the KELLY WEARSTLER trade mark which, according to the Complainant, corresponds to the acronym of “interior design”, the Complainant’s core business.

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.

Panels have found that the non-use of a domain name (including a website under construction) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s trade mark, 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.

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 <kellywearstlerid.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: September 15, 2026