

ADMINISTRATIVE PANEL DECISION

Walton Street Capital, LLC v. Monty Grey
Case No. D2025-2691

1. The Parties

The Complainant is Walton Street Capital, LLC, United States of America ("United States"), represented by Mayer Brown LLP, United States.

The Respondent is Monty Grey, United States.

2. The Domain Name and Registrar

The disputed domain name <waltonts.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 8, 2025. On July 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 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 (MY DOMAIN PROVIDER) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 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 July 18, 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 July 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 19, 2025.

The Center appointed Angela Fox as the sole panelist in this matter on August 26, 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 well-known Chicago-based private equity real estate firm, which was founded in 1994. Since its inception, the Complainant and its affiliates have received about USD 14 billion in total equity and loan commitments from both corporate and public pension plans, insurance companies, foreign institutions, banks, endowments, foundations, trusts and high-net-worth individuals. The Complainant and its affiliates have also committed to and/or invested in over USD 12 billion of equity in over 500 separate transactions. The Complainant carries out its very substantial business under the names and trademarks WALTON STREET, WALTON STREET CAPITAL and WALTON ST. CAPITAL (with the “ST.” being a common abbreviation for the word “STREET”).

The Complainant is the owner of the following United States federal trademark registrations, details of which were annexed to the Complaint, which are protected for a range of financial, investment and real estate services:

- United States trademark registration No. 3470883 for WALTON ST. CAPITAL, registered on July 22, 2008;
- United States trademark registration No. 3470871 for WALTON STREET, registered on July 22, 2008; and
- United States trademark registration No. 3470900 for WALTON STREET CAPITAL, registered on July 22, 2008.

The Complainant's services have been advertised on the Internet and through other media, including on the Complainant's own website at <waltonst.com>. The Complainant has owned and operated a website at this domain name for over 20 years.

The disputed domain name was registered on June 5, 2025.

On the same day, the following day, and June 9, 2025, the Respondent contacted a client of the Complainant, using a name and email address associated with the disputed domain name, attempting to trick the client into wiring funds to a fraudulent account by impersonating the Complainant, including using the name of an actual employee of the Complainant and the Complainant's own logo branding. In the emails, the Respondent fraudulently stated that payment instructions had changed, and supplied new, fraudulent account details to which payments purportedly should be made. Copies of the emails in question were annexed to the Complaint.

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 registered trademarks, incorporating those trademarks in their entirety and differing only in the reversal of “st” to “ts”, which the Complainant submits is a form of typosquatting.

The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not associated with the Complainant in any way and has never sought nor received authorization or a license to use the Complainant's trademarks. There is no evidence that the Respondent has ever been commonly known by reference to the disputed domain name, nor has it ever used, nor had any intention to use, the disputed domain name in connection with a bona fide offering of

goods or services or any legitimate noncommercial or fair use. On the contrary, there is evidence that the Respondent has used the disputed domain name to impersonate the Complainant in order to commit fraud, the effect of which may be to cause significant financial loss to the victims.

Finally, the Complainant submits that the disputed domain name was registered and has been used in bad faith. The Respondent has used the disputed domain name to impersonate the Complainant by sending emails purportedly from an actual employee of the Complainant in order to perpetrate fraud. The Complainant submits that the Respondent's registration and actual use of the disputed domain name to send emails for the commission of fraud indicates that the disputed domain name was registered and is being used in bad faith and for the sole purpose of committing fraud.

B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14 (a) and (b) of the Rules, the Panel will decide the Complaint and shall draw such inferences as it considers appropriate from the Respondent's default.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (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 the disputed domain name; and
- (iii) the disputed domain name has been registered or is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

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.

In this case, the Complainant has shown registered rights in the trademarks WALTON ST. CAPITAL, WALTON STREET and WALTON STREET CAPITAL, and long-standing use of the domain name <waltonst.com> in connection with the promotion of its well-known private equity real estate business. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant's registered marks, and in particular the mark WALTON STREET, to be recognizable within the disputed domain name. The letters "st" are a common abbreviation for the word street in the United States, where both parties are based; this is reflected by the fact that the Complainant itself uses this abbreviation within its own website domain name, <waltonst.com>. The reversal of those two letters within a domain name or an email address associated with it is a misspelling or typographical error which is likely to be easily overlooked by Internet users. Taking all this into account, the Panel finds that the disputed domain name is confusingly similar to the Complainant's WALTON STREET mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

The Panel finds that 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.

In this case, the evidence shows that the Respondent has used the disputed domain name in connection with the sending of emails impersonating an actual employee of the Complainant with the clear intention to commit fraud. [WIPO Overview 3.0](#), section 2.13.1 states, “Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent”.

The Respondent has not attempted to rebut the Complainant’s assertions and evidence.

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

C. Registered and Used in Bad Faith

The Complainant has shown evidence that the disputed domain name has been used in connection with the sending of emails impersonating an employee of the Complainant with the intention of fraudulently diverting wire payments to an account presumably controlled by the Respondent or an associate of the Respondent. The emails included the Complainant’s own logo branding and purported to emanate from an actual employee of the same name at the Complainant’s company. It is evident that in registering and using the disputed domain name for the sending of such emails, the Respondent knew of and was targeting the Complainant.

[WIPO Overview 3.0](#), section 3.1.4, states that “the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent” and that “such behavior is manifestly considered evidence of bad faith”. In addition, [WIPO Overview 3.0](#), section 3.4, states that “the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution”.

Taking all of this into account, the Panel finds that the Complainant has established the third element of the Policy, and that the disputed domain name was registered and has been used in bad faith.

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 <waltonts.com> be transferred to the Complainant.

/Angela Fox/

Angela Fox

Sole Panelist

Date: September 19, 2025