

ADMINISTRATIVE PANEL DECISION

Modera Wealth Management LLC v. Sean O'Neill, AssureLinq LLC
Case No. D2025-4241

1. The Parties

The Complainant is Modera Wealth Management LLC, United States of America ("United States"), represented by Cole Schotz P.C., United States.

The Respondent is Sean O'Neill, AssureLinq LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <moderacpas.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 15, 2025. On October 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 16, 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 (MODERA CPAS LLP) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 17, 2025, 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 amendment to the Complaint on October 17, 2025.

The Center verified that the Complaint together with the amendment to 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 October 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 12, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on November 19, 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 “wealth advisory firm” providing financial planning and investment management services to clients through 19 offices on the East Coast of the United States. It manages more than USD 15 billion in assets for thousands of individuals and businesses. The Complainant is organized as a Delaware, United States limited liability company that was formed in 2010, according to the online database of the Delaware Division of Corporations,¹ although the Complainant traces its roots to a predecessor firm established in 1983. The Complainant markets its services under the MODERA brand, a mark created in reference to a Latin term connoting “moderation” in management and direction.

The Complainant operates a website at “www.moderawealth.com”, with linked social media sites. The site includes a section with “media mentions” of the firm showing industry recognition in 2024 and 2025 in such outlets as *Financial Advisor Magazine*.

The Complainant holds United States Trademark Registration Number 3822608 (registered on July 20, 2010) for MODERA as a standard character mark in international class 36 (financial services). The Complainant also holds United States Trademark Registration Number 3832529 (registered on August 10, 2010) for MODERA WEALTH MANAGEMENT as a standard character mark in international class 36.

The disputed domain name was created on July 30, 2025, and is registered to the Respondent for the organization AssureLinq LLC, listing a postal address in the State of New York, United States and a Gmail contact email address. The Panel notes that no entity with a name corresponding to “AssureLinq” appears in the online database of the New York Division of Corporations.

At the time of this Decision, the disputed domain name resolves to a landing page with the message, “This account has been suspended”. Formerly, as shown in screenshots furnished with the Complaint, the disputed domain name resolved to a website (the “Respondent’s website”) headed “Modera Certified Public Accountants” with a triangular logo, advertising CPA accounting services in New York City, with a particular specialization in the construction and healthcare industries. The home page displayed the logo of the AICPA (the American Institute of Certified Public Accountants) and the New York State Society of CPAs, among other association logos, and the Respondent’s website gave contact details and information about the Respondent’s “founders”, Sean O’Neill and John Havens.

The Panel notes that the online database of the New York Division of Corporations lists no business entity with a name corresponding to “Modera Certified Public Accountants”. Moreover, the online directory of the New York State Education Department, Office of the Professions, which is a “primary source for license verification” in the state, has no listing for “Modera Certified Public Accountants” as a business entity of licensed CPAs, nor any listings for licensed CPAs named Sean O’Neill or John Havens practicing in New York City.

The Complainant states that the Respondent’s website advertised the “same or similar services provided under Modera’s service mark MODERA including, but not limited to, personal and business financial planning services, retirement planning and estate planning services, wealth management services, accounting services, tax services, and other financial and accounting services”. The Panel notes that the screenshots furnished with the Complaint refer to accounting, taxes, audits, and “more” with a plus sign.

¹ Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8.

Additional screens from the Respondent's former website are not provided and are not captured by the Internet Archive's Wayback Machine.

The Complainant reports that it discovered the Respondent's website in September 2025 and made several efforts to contact the Respondent by email and telephone. The Respondent did not reply.

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 its registered MODERA and MODERA WEALTH MANAGEMENT service marks, which the Respondent has no license to use. The Complainant asserts that the Respondent is not commonly known by the disputed domain name and is not using it legitimately, as it is used to misleadingly divert consumers or to tarnish the Complainant's mark. The Complainant suggests that the Respondent registered the disputed domain name to mislead consumers for commercial gain and for phishing purposes, to trick consumers into providing sensitive financial information.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered MODERA and MODERA WEALTH MANAGEMENT service marks) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the MODERA mark and the distinctive MODERA portion of the MODERA WEALTH MANAGEMENT mark are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "cpas") may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 3.0](#), 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 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. Although the Respondent published a website associated with the disputed domain name, the Respondent did not come forward with evidence of an actual business operating in connection with that website, and there are indications to the contrary. As detailed above, the public databases do not disclose persons or entities with names corresponding to those given on the Respondent’s website, as would be expected for the licensed profession of certified public accountants in New York State.

Panels have held that the use of a domain name for activity such as claimed indications of phishing for sensitive financial information as here, 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’s website advertised financial services, at least some of which overlap with personal and financial services offered by the Complainant in the same geographic area, using the disputed domain name incorporating the Complainant’s distinctive and well-established mark. The Panel finds it probable that the Respondent was aware of the Complainant’s mark and sought to exploit it to attract Internet users, misdirecting them to the Respondent’s website for commercial gain consistent with the example of bad faith described in the Policy, paragraph 4(b)(iv).

Panels also have held that the use of a domain name for activity such as claimed phishing for sensitive financial information as here, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

As detailed above, the relevant public directories do not list the business entity and the licensed CPAs who ostensibly offered the services advertised on the Respondent’s former website, reinforcing the inference of bad faith in the registration and use of the disputed domain name incorporating the Complainant’s service marks. The Respondent’s failure to reply to communications from the Complainant and the Center, and the deactivation of the related website further support the inference of bad faith.

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 <moderacpas.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: December 3, 2025