

## **ADMINISTRATIVE PANEL DECISION**

Esquire Group LLC v. Waka Time  
Case No. D2026-0783

### **1. The Parties**

The Complainant is Esquire Group LLC, Saint Kitts and Nevis, represented by James Carroll Sexton Jr., United Arab Emirates.

The Respondent is Waka Time, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <esquire-group.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 February 24, 2026. On February 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 2026, 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 March 1, 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 March 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2026. The Center received email communications from the Respondent on March 1, 2026, and from a related third party on February 26, 2026. The Center informed the Parties it would proceed with panel appointment on March 26, 2026.

The Center appointed John Swinson as the sole panelist in this matter on April 7, 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 limited liability company organized under the laws of Saint Kitts and Nevis that provides international tax and wealth protection advice. The Complainant was founded by James Sexton Jr. in 2005, and he is the sole member and manager of the Complainant. The Complainant has an address in (and appears to be based in) the United Arab Emirates.

The Complainant has registered trademarks for “esquire group” and “ESQUIRE GROUP” (i.e., capitalized and lower case) including United Kingdom Registration No. UK00801357720 that has a registration date of January 4, 2018.

The Complainant’s website is located at <esquiregroup.com>.

The disputed domain name was registered on January 17, 2025.

The Complainant asserts that the Respondent’s owner is a former customer of the Complainant. (The Respondent does not admit this.)

At one time (for example, in February 2026), the disputed domain name resolved to a website that contained content that was critical of the Complainant. The title of the website was “Esquire Group – International Tax & Wealth Protection”. The banner heading stated: “Wealth, preserved swindled. ... when it’s time to secure your legacy. That’s when we take money for bad advice.” The website includes a photograph of the Complainant’s director, Jimmy Sexton, with the words underneath: “International Tax and Wealth Protection Charlatan: Jimmy Sexton”. The website also includes text such as “Wealth Protection for Gullible Multinational Families. We claim to help affluent families with diverse multinational interests preserve their wealth for generations to come, but in reality we just take your money and you’ll never hear from us again.”

That website at the disputed domain name appears to take textual paragraphs from the Complainant’s website and edits them in a way critical of the Complainant. For example, under the heading “Wealth Protection” there is the following text:

Let our so-called “multinational experts” promise you groundbreaking strategies to protect your wealth against taxes, legal disputes, and other imaginary threats —right before vanishing into thin air.

Our tailor-made solutions include vague buzzwords, empty assurances, and radio silence after payment, leaving you and your heirs with the peace of mind that your wealth has been preserved... somewhere, probably.

At the bottom of the page is the following text: “FINAL WARNING: Please do not trust any claims made by Esquire Group. Consult licensed professionals for actual financial advice.”

That website at the disputed domain name includes in the footer the Complainant’s mailing address in Dubai, but telephone numbers that are not the same as the Complainant’s telephone numbers on its website, and an email contact that uses the disputed domain name.

At the present time, the disputed domain name 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.

In summary, the Complainant makes the following submissions:

The Complainant has trademark registrations for ESQUIRE GROUP that predate the registration of the disputed domain name.

The Respondent is not known by the disputed domain name. The Complainant did not authorize the Respondent to use the ESQUIRE GROUP trademark.

The website at the disputed domain name does not offer any bona fide goods or services. Instead, the website publishes false, defamatory, and disparaging content targeting the Complainant and its founder. The website is designed to closely mimic the Complainant's legitimate website ("esquiregroup.com") in structure and design, but replaces the genuine content with satirical and defamatory material.

The disputed domain name itself is designed to be confused with the Complainant's legitimate domain name.

The disputed domain name is essentially identical to the Complainant's trademark. There is nothing in the disputed domain name itself that signals to an Internet user that the site contains criticism or commentary. A user searching for the Complainant's services could easily type "esquire-group.com" and arrive at the Respondent's defamatory site believing it to be the Complainant's legitimate business. This creates an impermissible risk of initial interest confusion. Additionally, the Respondent's website does not identify itself as a criticism or commentary site. Rather, it is designed to impersonate the Complainant's business, mimicking its layout and service descriptions.

The disputed domain name is being used in bad faith within the meaning of Paragraph 4(b) of the Policy, and in particular, under paragraph 4(b)(iii) of the Policy, the disputed domain name was registered primarily for the purpose of disrupting the business of the Complainant. The entire purpose of the Respondent's website is to damage the Complainant's business reputation and divert or discourage potential clients.

Tarnishment of a complainant's trademark can constitute evidence of bad faith. The Respondent's website tarnishes the ESQUIRE GROUP mark by associating it with false, disparaging, and defamatory content. This is a deliberate attempt to damage the goodwill associated with the Complainant's mark.

### **B. Respondent**

The Respondent contends that the Complainant has not satisfied the second and third elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent makes the following submissions:

The disputed domain name was used exclusively as a noncommercial criticism and parody site expressing opinion about the Complainant's services. The website did not sell products or services, display advertisements or contain affiliate links.

The content was expressive and critical in nature. The language used by the Respondent on the website at the disputed domain name was clearly rhetorical, exaggerated, and satirical. Accordingly, paragraph 4(c)(iii) of the Policy applies.

The website included a disclaimer (“FINAL WARNING: Please do not trust any claims made by Esquire Group. Consult licensed professionals for actual financial advice.”) which demonstrates that the website was not attempting to impersonate the Complainant or mislead users into believing the site was affiliated with the Complainant. To the contrary, it explicitly warned visitors against relying on the Complainant.

The disputed domain name was not registered or used in bad faith. It was never offered for sale or used to compete against the Complainant.

The Policy is not intended to prohibit criticism or parody. The disputed domain name was not registered to profit from the Complainant’s trademark, but to express opinion.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

(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 onus of proving these elements is on the Complainant.

### **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 Select UDRP Questions (“[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.

The Panel finds the addition of a hyphen between the words “esquire” and “group” in the disputed domain name 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 argues that the website at the disputed domain name is a parody website, and that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name under paragraph 4(c)(iii) of the Policy. [WIPO Overview 3.1](#), section 2.5.

As stated in [WIPO Overview 3.1](#), section 2.6, to support fair use under paragraph 4(c)(iii), the respondent's criticism must be genuine (i.e., not pretextual), for example, not primarily a pretext for cybersquatting or commercial activity. In assessing the genuineness of criticism, mindful that there may be a difference of opinion or factual dispute between the parties, panels do not look at the veracity or accuracy of the criticism as such, nor any allegations that the criticism is defamatory in nature; rather they will look at whether the motivation behind the criticism is genuine, as opposed to being a sham or pretext to hide another motive such as cybersquatting or commercial activity.

Panels have consistently found that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical (or almost identical) to a trademark. Even where such a domain name is used in relation to genuine noncommercial free speech, panels tend to find that such a domain name creates an impermissible risk of user confusion through impersonation.

In this case, the Panel accepts that the Respondent's criticism is noncommercial, in that the Respondent is not seeking financial gain from its activities, and that its criticism is genuine in the sense that criticism is the true purpose of its website and not merely a pretext for some ulterior purpose. The Panel notes, however, that it expresses no view on the veracity or otherwise of the Respondent's criticisms of the Complainant, which is a matter beyond the scope of this proceeding and not relevant to its outcome.

The disputed domain name is, however, identical to the Complainant's trademark ESQUIRE GROUP (except that the space between the words is replaced with a hyphen), and does not include any additional term (e.g., "sucks") that would indicate a lack of affiliation between the Complainant and the relevant website operator. *RealPage Utility Management Inc. v. Alan Brilliant*, WIPO Case No. [D2025-0317](#) (addition of "2" at the end of the domain name; the mere addition of a non-descriptive element does not signal that an Internet user could expect to find criticism at the associated online location)

On the contrary, the disputed domain name is inherently misleading, as inevitably suggesting to Internet users that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. The Panel finds no reason in this case to depart from the established view that a domain name which effectively impersonates a trademark owner is impermissible for the purpose of a criticism site. *International School of Temple Arts v. Eyal Shaham*, WIPO Case No. [D2025-1552](#), contrast *ICC Intercertus Capital Ltd. v. Domain Administrator*, See *PrivacyGuardian.org / Mag. Bernhard Dostal, Karin West*, WIPO Case No. [D2021-1789](#)

The Panel finds that an inherently deceptive domain name which impersonates the Complainant cannot give rise to rights or legitimate interests on the part of the Respondent, even in a case where the disputed domain name is genuinely being used for the purpose of a criticism site.

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

### **C. Registered and Used in Bad Faith**

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

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 Panel's analysis of the second element leads necessarily to a finding of bad faith registration and use under the third element. Clearly the Respondent was aware of the Complainant when the Respondent registered the disputed domain name. It is also clear to the Panel that the disputed domain name was used to target the Complainant's mark and its business operations. The composition of the disputed domain name, incorporating the Complainant's mark plus a hyphen is likely to create confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. For these reasons, bad faith registration and use is clear. *RealPage Utility Management Inc. v. Alan Brilliant*, WIPO Case No. [D2025-0317](#).

Further, the use of the Complainant's name in the title of the website at the disputed domain name ("Esquire Group – International Tax & Wealth Protection") and using the Complainant's website text (in some places edited) and mailing address, creates an impression of affiliation that contributes to the finding of bad faith. The Panel finds that this indicates the Respondent has intentionally cloaked itself in the Complainant's identity to attract Internet users to its critical content.

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 <esquire-group.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: April 21, 2026