

ADMINISTRATIVE PANEL DECISION

Kington Tong Kum Loong v. Host Master, Njalla Okta LLC
Case No. D2026-1864

1. The Parties

The Complainant is Kington Tong Kum Loong, Malaysia, represented by Rahmat Lim & Partners, Malaysia.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <lawyerkingtong.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 (Name Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 4, 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 May 7, 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 May 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on June 10, 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 citizen of Malaysia. The Complainant is a qualified legal practitioner who has been admitted to the Malaysian Bar since 1993 and is the Managing Partner of Messrs Kington Tan Dzul, a commercial and corporate law firm which he founded in 1996. The Complainant also holds corporate directorships, including as a Non-Executive Director of Wang Zheng Berhad, a company listed on Bursa Malaysia.

The Complainant is the owner of the following Malaysian trade mark registrations for the word mark KINGTON TONG, all filed on March 6, 2025 and registered on July 2, 2025: Trade Mark Registration No. 2025006974 , Trade Mark Registration No. 2025006975, Trade Mark Registration No. 2025006979, Trade Mark Registration No. 2025006985 and Trade Mark Registration No. 2025006986 (the "Trade Mark").

In addition to his registered trade mark rights, the Complainant claims common law trade mark rights in his personal name "Kington Tong" through its extensive use in legal practice and commerce over more than 30 years.

The Respondent appears to be a "privacy as a service company" located in Saint Kitts and Nevis. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The disputed domain name was registered on May 31, 2024.

At the time of the Complaint, the disputed domain name resolved to a website publishing a series of articles concerning the Complainant. The articles contain allegations of misconduct against the Complainant, including allegations of fraud, money laundering, assault, and association with criminal organizations. The Complainant characterizes the content of the website as false and defamatory. The website displays a disclaimer stating it "is not affiliated with Lawyer Kington Tong or any of his entities" and claiming to be "an independent informational and opinion-based platform".

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 Trade Mark and the Complainant's common law trade mark. The Complainant's registered trade mark is wholly incorporated into the disputed domain name. The only additional element is the descriptive prefix "lawyer", which reinforces the connection to the Complainant rather than distinguishing the disputed domain name from the Complainant's Trade Mark. The disputed domain name also does not contain any pejorative or signaling term to alert Internet users of the critical nature of the website.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never authorized the Respondent to use his name or the Trade Mark. The Respondent is not commonly known by "Kington Tong" or "Lawyer Kington Tong". The website does not offer any bona fide goods or services. The sole purpose of the website is to publish defamatory content about the Complainant. The right to legitimate criticism does not extend to registering a domain name that is identical to a trade mark

and which creates an impermissible risk of user confusion through impersonation. The anonymity of the Respondent further undermines any claim of genuine criticism.

- The disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name with full knowledge of the Trade Mark and the Complainant's name and professional identity for the purpose of targeting the Complainant. The disputed domain name creates a false impression of affiliation with the Complainant. The website publishes false and defamatory content designed to destroy the Complainant's professional reputation, constituting use in bad faith. The Respondent registered the disputed domain name using double layer privacy protection services to conceal its identity. The Respondent has been named in close to 60 prior UDRP decisions and has a pattern of failing to file any response, which is indicative of bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

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

1. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. 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 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 Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, "lawyer") may bear on assessment of the second and third elements, the Panel finds the addition of this 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 Complainant has not authorized the Respondent to use the Complainant’s Trade Mark or personal name and there is no evidence that the Respondent is commonly known by the disputed domain name.

The Panel now turns, even in the absence of a Response, to a possible fair use defense. 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, commercial activity, or tarnishment. 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. [WIPO Overview 3.1](#), section 2.6.1.

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 confusingly similar to a trade mark. 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. [WIPO Overview 3.1](#), section 2.6.2.

In this case, it appears that the Respondent’s criticism is noncommercial (i.e., the Respondent does not appear to be seeking financial gain from its activities) and genuine (i.e., criticism appears to be the true purpose of the website and not a pretext for an ulterior purpose). The Panel takes no issue with the use of the website for the purposes of (noncommercial) criticism in general and does not make any finding regarding whether the criticism on the website at the disputed domain name is accurate or not. These matters are beyond the scope of this proceeding.

The disputed domain name is confusingly similar to the Trade Mark and the Complainant’s personal name and does not include an additional term that would indicate a lack of affiliation between the Complainant and the Respondent; to the contrary, the additional terms signal an affiliation. The Panel in *Mr. Willem Vedovi, Galerie Vedovi S.A. v. Domains By Proxy, LLC / Jane Kelly*, WIPO Case No. [D2014-0780](#) addressed a similar situation. In that case, the Panel stated:

“The Panel finds that the Disputed Domain Names [...] may mislead Internet users into believing that they are associated with the Complainants and/or will resolve to the official website of the Complainants. This is because these Disputed Domain Names are confusingly similar to the Complainants’ GALERIE VEDOVI mark and they do not include any additional word or term that may identify themselves as resolving to a criticism website. As a result, the Panel finds that the Respondent is using the Disputed Domain Names [...] to falsely convey an association with the Complainants in order to divert Internet users to the Websites. By the time Internet users reach the Websites, they have already been exposed to the misrepresentation inherent in the Disputed Domain Names.”

The Panel finds that an inherently misleading domain name which falsely conveys the appearance of a non-existent association with 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

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.

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 notes that the clear purpose of the Respondent's website is to criticize the Complainant. Clearly the Respondent was aware of the Complainant when the Respondent registered the disputed domain name.

As per the Panel in *Justice for Children v. R neetso / Robert W. O'Steen*, WIPO Case No. [D2004-0175](#): "By analogy to the typosquatting cases, where bad faith is presumed from the intentional similarity to the Complainant's mark, Respondent's registration and continued use were undertaken intentionally and expressly to disrupt Complainant's activities [...] to expand the audience for his criticism by misleading Internet users as to the 'source, sponsorship, affiliation, or endorsement' of his website".

As the disputed domain name is confusingly similar to Trade Mark and the Complainant's personal name, Internet users are likely to assume that the disputed domain name must be owned or operated by, or otherwise affiliated with, the Complainant. This is a misleading use of the disputed domain name and constitutes bad faith.

In the circumstances, the use of layered privacy protection services is a further indicator of bad faith. [WIPO Overview 3.1](#), section 3.6.

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 <lawyerkingtong.com> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: June 23, 2026