

ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. Monique Ford
Case No. D2022-3892

1. The Parties

The Complainant is LPL Financial LLC, United States of America (“USA” or “United States”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Monique Ford, USA.

2. The Domain Name and Registrar

The disputed domain name <lplfinancial.com> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 18, 2022. Also on October 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. That same day, the Registrar transmitted by email its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 19, 2022, 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 October 21, 2022.

The Center verified that 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 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2022. The Respondent failed to submit a response by the specified deadline, therefore on November 14, 2022, the Center notified the Respondent of its default and that the Center would proceed to panel appointment.

The Center appointed Steven Auvil as the sole panelist in this matter on November 17, 2022. 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

According to the Complaint, the Complainant was founded in 1989 through the merger of two brokerage firms – Linsco and Private Ledger. The Complainant is a leader in the retail financial advice market and is considered one of the largest independent broker-dealer in the USA. The Complainant also provides an integrated platform of brokerage and investment advisory services to more than 19,100 financial professionals and approximately 800 financial institutions, managing over USD 1.1 trillion in advisory brokerage assets. The Complainant has over 4,800 employees, with its primary offices in San Diego, California, Fort Mill, South Carolina, Boston, Massachusetts, and Austin, Texas. In 2022, the Complainant's net revenue reached over USD 2 billion.

According to the Complaint, the Complainant has made substantial investments to develop the LPL brand and creating a strong online presence. The Complainant owns many domain names and trademarks for the LPL name including <lpl.com>, <lpl.net>, <lpl-financial.com>, and <lplaccountview.com>. The Complainant also owns the branded new generic Top-Level Domains ("gTLDs") ".lpl" and ".lplfinancial".

The Complainant owns registered marks for the LPL brand, including United States Registration No. 1801076 for LPL (registered October 26, 1993), United States Registration No. 3662425 for LPL FINANCIAL (combined word/design) (registered August 4, 2009), United Kingdom Trade Mark registration No. UK00003753607 for LPL (registered May 13, 2022), United Kingdom Trade Mark registration No. UK00003753611 for LPL FINANCIAL (registered May 13, 2022), and European Union Trade Mark registration No. 018653022 for LPL (registered May 26, 2022).

The disputed domain name <lplfinancial.com> was registered on July 26, 2022. Both at the time of submitting the Complaint and at the time of writing this Decision, the disputed domain name resolved to an inactive website and the web browser returned a message "This site can't be reached".

5. Parties' Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to its LPL and LPL FINANCIAL marks because the disputed domain name incorporates the Complainant's entire LPL and LPL FINANCIAL marks and only employs a common, obvious, or intentional misspelling with the omission of the second occurrence of the letter "i" in the element "financial".

The Complainant also asserts that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is not using the disputed domain name in connection with any *bona fide* offering of goods or services, is not commonly known by the disputed domain name, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name. Additionally, the Complainant has not authorized the use and registration of the disputed domain name.

Further, the Complainant asserts that the Respondent registered the disputed domain name in bad faith because the Respondent knew or should have known of the Complainant's rights in the LPL and LPL FINANCIAL marks when the Respondent registered the disputed domain name as the Complainant's marks are well known internationally and as a result of its longstanding and widespread use, the marks have been closely associated with the Complainant. The Complainant asserts the disputed domain name carries a high risk of implied affiliation with the Complainant and there is no plausible good-faith use to which the disputed domain name could be put that would not have the effect of misleading consumers as to the source or affiliation of the disputed domain name. The Complainant also asserts that there is a clear potential for the

disputed domain name to be used in a manner that could easily mislead the Complainant's clients into disclosing their confidential account information, which may in turn be used to commit further acts of fraud. Additionally, there is no evidence of any *bona fide* intent in relation to the disputed domain name.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or a service in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a Response, the Panel renders this Decision on the basis of the Complainant's undisputed allegations, pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules, and draws such inferences it considers appropriate, pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept as true allegations set forth in the Complaint, unless the evidence is clearly contradictory, and to derive reasonable inferences from the evidence presented. See *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#).

Based on the foregoing guidance, the Panel makes the following findings and conclusions on the basis of the undisputed allegations and evidence contained in the Complaint and reasonable inferences drawn from the evidence.

A. Identical or Confusingly Similar

As noted above, the Complainant is the owner of several registered trademarks for the LPL brand. The Panel therefore finds that the Complainant has rights in the LPL and LPL FINANCIAL marks.

Section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that "[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark". See also *Toyota Motor Credit Corporation v. Digi Real Estate Foundation*, WIPO Case No. [D2006-1619](#) (finding that the small change in the spelling of "financial" so that it reads "financail" does not negate the finding of confusing similarity).

Here, the disputed domain name incorporates the Complainant's entire LPL mark as well as the term "financial", followed by the gTLD ".com". As noted, the misspelling of "financial" to "financail" in the disputed domain name does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.9.

Additionally, as set forth in section 1.11.1 of the [WIPO Overview 3.0](#), the applicable gTLD (e.g., ".com", ".site", ".info", ".shop") "is viewed as a standard registration requirement and as such is disregarded under

the first element confusing similarity test”.

Therefore, the Panel finds that the Complainant has proven that the disputed domain name is confusingly similar to the Complainant’s marks. Therefore, the first element of paragraph 4(a) of the Policy is met.

B. Rights or Legitimate Interests

From the Complainant’s allegations and evidence as well as the inferences drawn from the evidence, the LPL and LPL FINANCIAL marks are distinctive and well-known marks registered by the Complainant. The Complainant has operated its business for decades with thousands of employees and clients. The Complainant did not license or otherwise authorize the Respondent’s use of the LPL nor LPL FINANCIAL marks, and the Complainant has no affiliation, association, sponsorship, or connection with the Respondent. Therefore, the Panel finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Section 2.1 of the [WIPO Overview 3.0](#) provides that “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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”.

Here, the Respondent did not respond to the Complaint and thus has failed to rebut the *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Accordingly, the Panel finds that the Respondent in fact has no rights or legitimate interests in the disputed domain name and that the second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Section 3.1.4 of the [WIPO Overview 3.0](#) provides that “[p]anels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith”. Additionally, section 3.2.1 of the [WIPO Overview 3.0](#) provides that “[p]articular circumstances panels may take into account in assessing whether the respondent’s registration of a domain name is in bad faith include: (i) the nature of the domain name (e.g., a typo of a widely-known mark, or a domain name incorporating the complainant’s mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant’s area of activity or natural zone of expansion); [...] (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent’s choice of the domain name, or (viii) other indicia generally suggesting that the respondent had somehow targeted the complainant”.

Here, as noted above, the disputed domain name incorporates the entirety of the Complainant’s registered LPL FINANCIAL mark with a single misspelling of an element of the mark, namely the omission of the second “i” in “financial”. This alone is evidence of registration in bad faith. See *Klarna Bank AB v. Super Privacy Service LTD c/o Dynadot / Jeff Weller, Think 7 Inc.*, WIPO Case No. [D2021-1590](#) (stating that typosquatting is in and of itself evidence of use in bad faith); *ZB, N.A., dba Zions First National Bank v. Travis Smith, Lexq Media Inc*, WIPO Case No. [D2016-2404](#); *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#).

Moreover, the fact that the disputed domain name does not currently resolve to an active website, passive holding does not prevent a finding of bad faith. *Accenture Global Services Limited v. Whoisproxy.com Ltd.*, WIPO Case No. [DCO2015-0036](#).

Furthermore, the Respondent initially applied a privacy shield to mask its registration of the disputed domain name, evidencing bad faith. *Accenture Global Services Limited v. Whoisproxy.com Ltd.*, WIPO Case No. [DCO2015-0036](#) (finding it bad faith where the respondent applied a privacy shield to mask its registration of the disputed domain name).

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the third element of paragraph 4(a) of the Policy is satisfied.

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 <lplfinancal.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: December 1, 2022