

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Hamali Noires, Kendra Malone, and Sparks Ramona
Case No. D2024-0619

1. The Parties

Complainant is Fenix International Limited, c/o Walters Law Group, United States of America ("United States").

Respondents are Hamali Noires, United States, Kendra Malone, United States, and Sparks Ramona, United States.

2. The Domain Names and Registrar

The disputed domain names (hereinafter the "Disputed Domain Names") <bestonlyfans.org>, <fanonlyfans.com>, <findonlyfans.org>, <localonlyfans.net>, <nakedonlyfans.net>, <onlyfanfinder.org>, <onlyfanfinders.com>, <onlyfanscreators.net>, <onlyfansfap.org>, <onlyfansfinders.org>, <onlyfansmodels.org>, <onlyfansnaked.com>, <onlyfantips.net>, <onlyfanstop.org>, <onlyfansvids.net>, <profilesonlyfans.com>, and <toponlyfans.org> are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 9, 2024. On February 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names, which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to Complainant on February 13, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all the Disputed Domain Names are under common control. Complainant filed an amended Complaint on the same day.

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 Respondents of the Complaint, and the proceedings commenced on February 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 14, 2024. Respondents did not submit any response. Accordingly, the Center notified Respondents’ default on March 18, 2024.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on March 25, 2024. 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

Complainant owns and operates the website located at the domain name <onlyfans.com>, which it uses in connection with a social media platform that allows users to post and subscribe to audiovisual content on the Internet.

Complainant owns many trademark registrations for the trademark ONLYFANS (hereinafter the “Mark”) in many jurisdictions, including United Kingdom Trademark Registration No. UK00917912377 (registered on January 9, 2019) and United States Trademark Registration No. 5,769,267 (registered on June 4, 2019).

All of the Disputed Domain Names were registered on August 3, 2023. At the time of filing of the Complaint, all of the websites at the Disputed Domain Names (hereinafter the “Disputed Websites”) ¹, displayed “leaked” images of models who appear on Complainant’s website. Many of the copied images included watermarks that identified Complainant. At the time of this decision, the Disputed Websites are still being used in the same way, however, most of the Disputed Websites contain a disclaimer indicating the website is not affiliated, associated, authorized, endorsed by, or in any way connected with Complainant, and Complainant’s website can be found at “www.onlyfans.com”.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Names.

B. Respondents

Respondents did not reply to Complainant’s contentions.

¹ The Panel notes that one of the 17 Disputed Domain Names, <fanonlyfans.com>, redirects to <onlyfansonline.net>, which is the subject of *Fenix International Limited v. Galez Bricks and Jake Flanders*, WIPO Case No. [D2024-0492](#).

6. Discussion and Findings

A. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants.

Respondent Sparks Ramona is the registrant for: <bestonlyfans.org>, <fanonlyfans.com>, <findonlyfans.org>, <localonlyfans.net>, <nakedonlyfans.net>, <onlyfanscreators.net>, <onlyfansfap.org>.

Respondent Kendra Malone is the registrant for: <onlyfanfinder.org>, <onlyfanfinders.com>, <onlyfansfinders.org>.

Respondent Hamali Noires is the registrant for: <onlyfansmodels.org>, <onlyfansnaked.com>, <onlyfanstips.net>, <onlyfanstop.org>, <onlyfansvids.net>, <profilesonlyfans.com>, and <toponlyfans.org>.

Complainant alleges that the domain name registrants are under common control. Complainant requests the consolidation of the Complaint against the multiple Disputed Domain Name registrants pursuant to paragraph 10(e) of the Rules.

Respondents did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel considered whether (i) the Disputed Domain Names or Disputed Websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

The Panel finds that the Disputed Domain Names are under common control based on the following:

- the three registrants share the same phone number and a similar uniquely-constructed email address;
- the three registrants are all from the proximate neighboring geographic locations;
- all of the Disputed Domain Names were registered via the same Registrar within approximately 30 minutes of each other;
- the Disputed Websites use one of two template layouts;
- the Disputed Websites all use a similar grid of model profiles to advertise "leaked content" from Complainant's website.

Pursuant to paragraph 10(e) of the Rules, the Panel finds that Complainant has made a prima facie case that the disputed domain names are subject to common control, and, that consolidation would be fair and equitable to all Parties. Accordingly, the Panel approves the consolidation of the proceedings against the named Respondents. See section 4.11.2 of the [WIPO Overview 3.0](#). See, also, *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Nemanja Krecelj, Eloo Media Limited; Nemanja Krecelj, Rocket Science Group; and Not Want*, WIPO Case No. [D2022-1709](#).

B. 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 Complainant's trademark and the Disputed Domain Names. [WIPO Overview 3.0](#), section 1.7.

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

The entirety of the Mark is reproduced within all of the Disputed Domain Names, except <onlyfanfinder.org> and <onlyfanfinders.com>. Although these two Disputed Domain Names omit an “s”, the resulting singular form is nonetheless confusingly similar to Complainant’s trademark since the Mark remains recognizable therein. Accordingly, all of the Disputed Domain Names are confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a 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 a 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 fail 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 that Complainant has established a prima facie case that Respondents lack rights or legitimate interests in the Disputed Domain Names. Respondents have not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Names such as those enumerated in the Policy or otherwise.

Respondents’ use of the term “leaked” / “leaks” constitutes an admission that they are not authorized to publish the images that appear on the Disputed Websites. Respondents are using these misappropriated images to populate websites that compete with Complainant’s website. Respondents have no rights or legitimate interests in the Disputed Domain Names. The use of the Disputed Domain Names to host commercial websites that advertise goods and services in direct competition with Complainant does not constitute legitimate rights or interests.

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

D. 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.

The Panel finds that Respondents were manifestly aware of Complainant and its rights when they registered the Disputed Domain Names. In fact, Respondents’ focus on Complainant’s Mark in all of the Disputed Domain Names is itself evidence that Respondents targeted Complainant’s well-known Mark. Respondents are also using the Disputed Domain Names in bad faith to attract Internet users for commercial gain by creating a likelihood of confusion with Complainant’s Mark. Respondents are copying “leaked” images from Complainant’s website, many of which include watermarks identifying Complainant as the source of the image. Although at the time of this decision, most of the Disputed Websites contain a disclaimer indicating the website is not affiliated, associated, authorized, endorsed by, or in any way connected with Complainant, under the circumstances of this case, the Panel finds the mere insertion of a disclaimer cannot cure Respondents’ bad faith conduct. [WIPO Overview 3.0](#), section 3.7.

And, the Panel notes that Complainant alleges that the respondents in *Fenix International Limited v. Galez Bricks and Jake Flanders*, WIPO Case No. [D2024-0492](#) and *Fenix International Limited v. Busche Damian, Pines Ginger*, WIPO Case No. [D2023-4877](#) also had the same phone number and similarly constructed email addresses as those of Respondents in the present case. However, the Panel has not been able to confirm this overlap (because it does not have access to the record in those other cases). Nevertheless, noting Respondents have not rebutted Complainant's assertion and have registered 17 Disputed Domain Names targeting Complainant's Mark, the Panel is prepared to find on the balance of probabilities that such conduct of Respondents (or entities commonly controlled by Respondents) demonstrates a pattern of bad faith behavior.

The Panel finds that 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 Names <bestonlyfans.org>, <fanonlyfans.com>, <findonlyfans.org>, <localonlyfans.net>, <nakedonlyfans.net>, <onlyfanfinder.org>, <onlyfanfinders.com>, <onlyfanscreators.net>, <onlyfansfap.org>, <onlyfansfinders.org>, <onlyfansmodels.org>, <onlyfansnaked.com>, <onlyfanstips.net>, <onlyfanstop.org>, <onlyfansvids.net>, <profilesonlyfans.com>, and <toponlyfans.org> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: April 8, 2024