

ADMINISTRATIVE PANEL DECISION

Fenix International Limited c/o Walters Law Group v. Miguel Angel Case No. D2022-3048

1. The Parties

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

The Respondent is Miguel Angel, Spain.

2. The Domain Names and Registrars

The disputed domain names <justfanspw.site> and <onlyfansleaked.site> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “First Registrar”); and the disputed domain name <onlyfanspw.com> is registered with Launchpad.com Inc. (the “Second Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 18, 2022. On August 18, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On August 18, 2022, the Second 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 and contact information in the Complaint. On August 19, 2022, the First 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 19, 2022, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on August 19, 2022.

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 August 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2022. On August 20, 22, 23, and 25, 2022, the Center received several email communications from the Respondent. However, the Respondent did not submit any formal response. Accordingly, the Center notified the commencement of panel appointment

process on September 14, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on September 21, 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

The Complainant owns and operates the website located at “www.onlyfans.com”. The Complainant has used it for several years as a social media platform that allows users to post and subscribe to audiovisual content. In 2022, “www.onlyfans.com” is one of the most popular websites in the world, with more than 180 million registered users. According to Alexa Internet, it is the world’s 177th most popular website.

The Complainant owns trademark registrations in multiple jurisdictions for the ONLYFANS word and design mark, such as European Union Trade Mark No. EU017912377, registered on January 9, 2019; and European Union Trade Mark No. 017946559, registered on January 9, 2019; and United Kingdom Trade Mark No. UK00917912377, registered on January 9, 2019; and United Kingdom Trade Mark No. UK00917946559, registered on January 9, 2019.

The disputed domain names were registered on March 19, 2021 (<onlyfanspw.com>), August 10, 2021 (<justfanspw.site>) and September 24, 2021 (<onlyfansleaked.site>).

The Complainant has documented that the disputed domain names at the time of filing the Complaint resolved to a websites that offers adult entertainment services (including content pirated from the Complainant’s users).

5. Parties’ Contentions

A. Complainant

Before receiving the correct registrant information behind the privacy services from the Registrars, the Complainant argued consolidation as the disputed domain names (1) lead to websites that allow users to access content pirated from the Complainant’s services; (2) use similar header menus; (3) resolve to websites with the same layout or similar content; (4) use similar fonts or logos; (5) offer the same services, product plans, and prices; (6) were registered around the same time; and (7) the websites link to each other.

The Complainant provides evidence of trademark registrations and argues that it has unregistered common law rights as it has been recognized in previous UDRP decisions. The Complainant submits that the disputed domain names are confusingly similar to the Complainant’s trademark. The mere abbreviation of a trademark, or of a portion of a trademark, is insufficient to prevent confusion. While website content is usually disregarded when assessing confusing similarity, the panel may consider website content in determining confusing similarity if the website contains content trading off the complainant’s reputation. The disputed domain names consist of the Complainant’s exact trademark or a portion of the Complainant’s trademark with the only difference being the insertion of the generic or descriptive terms “pw”, “just”, and “leaked”, which does not avoid confusing similarity.

The Complainant asserts that it has no association with the Respondent and has never authorized or licensed the Respondent to use its trademark. There is no evidence indicating that the Respondent has been commonly known by the disputed domain names. Moreover, the Respondent’s use cannot be a *bona fide* offering of goods or services, as the disputed domain names comprising the Complainant’s trademark and certain additional terms cannot constitute fair use, when doing so effectively impersonates or suggests

sponsorship or endorsement by the Complainant. The websites at the disputed domain names offer adult entertainment services (including content pirated from the Complainant's users) in direct competition with the Complainant's services.

The Complainant submits that the Respondent was or should have been aware of the Complainant prior to registering the disputed domain names. The fact that the Complainant's trademark rights predate the Respondent's registration of the disputed domain names, and the Respondent's unauthorized use of the disputed domain names, prove that the Respondent knew of the Complainant and its business. The Complainant argues that the Respondent's use of the disputed domain names gives the false impression that the disputed domain names are associated with and/or endorsed by the Complainant. The Respondent misleadingly diverts Internet traffic from the Complainant's website. The Respondent operates websites that provides products and services in direct competition with the Complainant, included material pirated from the Complainant's users.

B. Respondent

The Respondent did not file a formal Response. However, the Center received several email communications from the Respondent stating his websites share public information and he does not host any file. The Respondent also argues that every single word is copyrighted in the world.

6. Discussion and Findings

A. Procedural Matters

The Complainant argues consolidation as the disputed domain names are under common control. It is evident from the reply from the Registrars that the same registrant is behind the three domain name registrations.

B. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark ONLYFANS. The test for confusing similarity involves a comparison between the trademark and the disputed domain names. The disputed domain names <onlyfanspw.com> and <onlyfansleaked.site> incorporate the Complainant's trademark in its entirety with the additional elements "pw" and "leaked". The additions do not prevent a finding of confusing similarity between the disputed domain names and the trademark. As for <justfanspw.site>, the Respondent has replaced the first part of the trademark "only" with the synonym "just". This alteration, seen together with the content of the website and the Respondent's clear intention with the registrations, does not prevent a finding of confusing similarity.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top Level Domain ("gTLD"), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

The Panel finds that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

C. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register domain names containing the Complainant's trademark or otherwise make use of the Complainant's trademark. There is no evidence that the Respondent has registered the disputed domain names as a trademark or acquired unregistered rights. The Respondent has not offered any relevant explanation as to the registration of the disputed domain names, and therefore not provided any evidence of good faith use. The Panel agrees with the Complainant that the Respondent's use of the disputed domain

names is not *bona fide* offering of goods or services, but rather evidence of bad faith, see below.

The disputed domain name <onlyfansleaked.site> consists of the Complainant's trademark plus an additional term "leaked" that shows that the Respondent has targeted the Complainant to promote content resulting presumably from illegitimate activities. In this regard, the Panel finds that the Respondent selected such composition for the disputed domain name to take unfair advantage of the similarity with the Complainant's trademark. In the case of the disputed domain name <justfanspw.site>, the Panel notes the conceptual similarity between "just" and "only", and regarding the disputed domain name <onlyfanspw.com>, the Complainant's trademark is reproduced in its entirety with the added term "pw" which could be perceived as the country code for Palau. The Respondent's bad faith intention is exacerbated by the alleged pirated content found at the disputed domain names, which directly competes with that provided by the Complainant. As further elucidated below and pursuant to section 2.15 of the [WIPO Overview 3.0](#), the use of the disputed domain names is abusive of the Complainant's trademark rights.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names in accordance with paragraph 4(a)(ii) of the Policy.

D. Registered and Used in Bad Faith

The Panel finds it probable that the Respondent was aware of the Complainant when the Respondent registered the disputed domain names. The Complainant's trademarks predate the registration of the disputed domain names, and the Respondent's use of the disputed domain names indicates that the Respondent knew of the Complainant when the Respondent registered the disputed domain names.

The Respondent's use of the disputed domain names tries to benefit unfairly of the Complainant, the content of the Complainant's website, and the Complainant's trademarks. The Respondent operates websites at the disputed domain names in direct competition with the Complainant, and the websites include material pirated from the Complainant's users. The Respondent has clearly tried to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's trademark, see [WIPO Overview 3.0](#), section 3.1.

The Respondent has not provided any evidence of actual or contemplated good faith use.

For the reasons set out above, the Panel concludes that the disputed domain names were registered and are being used in bad faith, within the meaning of paragraph 4(b)(iv) 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 <justfanspw.site>, <onlyfansleaked.site> and <onlyfanspw.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: September 27, 2022