

ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. Angelica Davies

Case No. D2022-4868

1. The Parties

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

Respondent is Angelica Davies, United States.

2. The Domain Name and Registrar

The disputed domain name <lpfinancehub.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 19, 2022. On December 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on December 20, 2022, 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 (PrivacyGuardian.org LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on December 24, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 26, 2022.

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 Respondent of the Complaint, and the proceedings commenced on December 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 18, 2023.

The Center appointed Timothy D. Casey as the sole panelist in this matter on January 31, 2023. 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 is an American company publicly traded on the NASDAQ under “LPLA” that provides financial advisors and financial institutions with technology, research, clearing and compliance services, and well as practice management programs. Complainant was founded in 1989 and has over 4,800 employees in San Diego, California, Fort Mill, South Carolina, Boston, Massachusetts, and Austin, Texas. In the second quarter of 2022, Complainant’s net revenue exceeded USD 2 billion. Complainant owns numerous trademark registrations around the world that include LPL, including the following representative marks (the “LPL Marks”):

Mark	Designation	Class(es)	Registration No.	Registration Date
LPL	United States	36	1801076	October 26, 1993
LPL	United Kingdom	36, 42	UK00003753607	May 13, 2022
LPL	European Union	36	018653022	May 26, 2022
LPL FINANCIAL (Design)	United States	36, 42	3662425	August 4, 2009
LPL FINANCIAL	United Kingdom	36, 42	UK00003753611	May 13, 2022

Complainant also owns many domain name registrations consisting of or containing “lpl” with other words and extensions, including <lpl.com> registered in 1994. Complainant has a strong online presence, with an official Facebook page with over 19,000 likes and 25,000 follows on Twitter, in addition to a presence on LinkedIn and YouTube.

The disputed domain name was registered on October 18, 2022. Complainant provided evidence showing that the disputed domain name resolves to a website that purports to offer financial advisory services, for which it charges fees, mainly related to cryptocurrency investments. Respondent’s website lists Complainant’s San Diego, California address as Respondent’s address and includes a modified version of Complainant’s “LPL FINANCIAL (Design)” mark as a logo. Complainant also provided evidence that Respondent’s website has been listed on “scam alert” websites that identify other websites involved in fraudulent schemes.

5. Parties’ Contentions

A. Complainant

Complainant contends that the LPL Marks prove it has established trademark rights in LPL and LPL FINANCIAL. Complainant contends that the disputed domain name comprises the LPL trademark in its entirety and as a leading element and would therefore be considered confusingly similar pursuant to section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). Complainant further contends that the disputed domain name’s elimination of a space in the LPL FINANCIAL trademark, the substitution of the visually, phonetically, and semantically similar term “finance” for “financial”, and the addition of “hub” does not prevent a finding of confusing similarity. Complainant also contends that the gTLD should be disregarded for purposes of assessment. For these reasons, Complainant contends the disputed domain name is confusingly similar to the LPL Marks.

Complainant submits that Respondent has no rights or legitimate interests in the disputed domain name and is not using the disputed domain name in connection with any *bona fide* offering of goods or services. Complainant has not licensed Respondent or otherwise authorized Respondent to make use of the LPL Marks or associated domain names, nor can Respondent assert that it was using or made demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services prior to notice of this dispute. Complainant notes that the disputed domain name resolves to a website

holding itself out as Complainant through the use of Complainant's address and a modified version of one of the LPL Marks, as well as being potentially associated with potentially fraudulent services related to Complainant's financial advisory business. Complainant contends that such activities can never confer rights or legitimate interests on a respondent pursuant to section 2.13 of the [WIPO Overview 3.0](#).

Complainant submits that there is no evidence that Respondent is commonly known by the disputed domain name or of any trademark registration being acquired or applied for related to the LPL Marks.

Complainant contends that Respondent's website purports to be of a commercial nature and is therefore not a legitimate noncommercial use and because it resolves to a website being used in connection with a fraudulent scheme it cannot constitute a legitimate noncommercial or fair use.

Complainant contends that the disputed domain name was registered in bad faith. Complainant asserts that the LPL Marks are recognized as well-known given its length of use of the marks and the LPL FINANCIAL is distinctively and exclusively associated with Complainant, as evidenced by Google search results provided by Complainant. Complainant also contends that Respondent must have known of Complainant's LPL Marks based on Respondent's use of the LPL Marks on the website to which the disputed domain name resolves and the fact that the website uses Complainant's address and a modified version of one of the LPL Marks. Complainant further notes that Respondent used a privacy service to conceal its identity, which infers bad faith, and that Respondent's registrant details for the disputed domain name mixes and matches street addresses from two different states, three different postal codes, and an area code from a third state, all suggesting that the Whois information is false.

Complainant contends that the disputed domain name has been used in bad faith. Complainant repeats contentions associated with the disputed domain name resolving to a website associated with a fraudulent scheme and notes that the website is aimed at misleading unsuspecting Internet users into subscribing for fictitious financial advisory services while hiding behind Complainant's modified logo and physical street address to give the website authenticity. Complainant contends that such behavior in evidence of bad faith pursuant to section 3.1.4 of the [WIPO Overview 3.0](#).

Lastly, Complainant contends that Respondent's lack of response to Complainant's cease and desist letter and reminders is further evidence of bad faith use.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant's use of the LPL Marks in a domain name as early as 1994, almost 30 years prior to registration of the disputed domain name, and Complainant's registration of many LPL Marks and LPL-related domain names since then, all prior to Respondent's registration of the disputed domain name, are more than sufficient to establish that Complainant has trademark rights in the LPL Marks.

Complainant contends that the disputed domain name is confusingly similar to the LPL Marks. Complainant contends that the elimination of a space in the LPL FINANCIAL trademark, the substitution of the visually, phonetically, and semantically similar term "finance" for "financial", and the addition of "hub" does not prevent a finding of confusing similarity. Further to sections 1.7 and 1.8 of the [WIPO Overview 3.0](#), the Panel agrees with Complainant's contentions.

The Panel finds that the disputed domain name is confusingly similar to the LPL Marks.

B. Rights or Legitimate Interests

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name or the LPL Marks. Complainant has not licensed or authorized Respondent to use or register the disputed domain name. The disputed domain name's use with a website clearly deceptive and most likely engaged in a fraudulent scheme does not provide evidence of any use or preparation to use the disputed domain name in relation to a *bona fide* offering of goods or services. Rather, the potential fraudulent use of the disputed domain name to communicate with unsuspecting Internet users could never confer rights or legitimate interests upon Respondent, pursuant to section 2.13 of the [WIPO Overview 3.0](#). Respondent has not rebutted Complainant's *prima facie* case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain name.

Furthermore, the nature of the disputed domain name coupled with utilization of Complainant's address and a modified version of one of its marks on the website tends to suggest sponsorship or endorsement by Complainant in Respondent's activities, and accordingly cannot constitute a fair use in these circumstances. Complainant offers technology, research, clearing and compliance services, and practice management programs, any of which the Panel finds could be associated with the term "hub", which is used in the disputed domain name along with the LPL Marks. Moreover, the Panel finds that the nature of the disputed domain name, consisting of Complainant's trademark plus additional terms easily associated with the Complainant, carry a risk of implied affiliation (section 2.5.1 of the [WIPO Overview 3.0](#)).

For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Given i) the timing of Complainant's first use and first registration of the LPL Marks and Complainant's use of the LPL Marks in association with the noted goods and services, ii) the nature of the disputed domain name, iii) the subsequent timing of the registration of the disputed domain name, iv) Complainant's prior trademark rights particularly in the United States for financial advisory-related services, and v) the nature of the website to which the disputed domain name resolves, the Panel finds that Respondent clearly knew of the LPL Marks at the time of registration of the disputed domain name. Respondent's registration of the disputed domain name was therefore in bad faith.

Because the disputed domain name resolves to website impersonating Complainant, offering related financial advisory services, and potentially being involved in a fraudulent scheme suggests Respondent's use of the disputed domain name is in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel concludes that the disputed domain name was registered and is being used in bad faith.

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, <lpfinancehub.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: February 14, 2023