

ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. Fernando Hector

Case No. D2024-4925

1. The Parties

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

Respondent is Fernando Hector, United States.

2. The Domain Name and Registrar

The disputed domain name, <lpfinancialgroups.com>, is registered with NameCheap, Inc. (“Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (“Center”) on November 28, 2024. On November 28, 2024, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. That same day, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (Redacted for Privacy Privacy service provided by Withheld for Privacy ehf). The Center sent an email communication to Complainant on November 29, 2024, providing the registrant and contact information disclosed by Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 4, 2024, identifying “Fernando Hector” as the Respondent.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (“Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy “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 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 27, 2024.

The Center appointed Debra J. Stanek as the sole panelist in this matter on January 7, 2025. 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 was founded in 1989; it provides retail financial advice, acting as an independent broker-dealer in the United States.

Complainant owns registrations for its LPL and LPL FINANCIAL marks in the United States and elsewhere, including:

- LPL for financial management services, registered October 26, 1993 (United States Reg. No. 1,801,076);
- LPL FINANCIAL and design (disclaiming the term “financial”) for financial management and related technology services, registered August 4, 2009 (United States Reg. No. 3,662,425);

Complainant also owns and operates its corporate website at the <lpl.com> domain name and owns other domain names that include the LPL mark, including <lplfinancial.com>.

The disputed domain name was registered on October 9, 2024. At the time the Complaint was filed, it resolved to a parking page and apparently contained pay-per-click links to third party sites.

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 name.

In particular:

- The disputed domain name includes the entirety of Complainant's LPL and LPL FINANCIAL marks; despite the addition of the term “groups,” the marks are clearly recognizable.
- Complainant's rights in and registrations for the LPL and LPL FINANCIAL marks long predate Respondent's registration of the disputed domain name.
- Respondent has not been authorized by Complainant to use Complainant's marks.
- The disputed domain name resolves to a parking page displaying pay-per-click links to goods and services that compete with Complainant's services.
- Respondent did not respond to Complainant's November 18, 2024, email demand to cease use of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

As an initial matter, the Panel determines that "Fernando Hector" is the appropriate Respondent. See [WIPO Overview 3.0](#), section 4.4.5 (in cases involving a privacy service, Panel has discretion to determine appropriate respondent).

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 Complainant's trademark and the disputed domain name. [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 each of the LPL and the LPL FINANCIAL marks is reproduced within the disputed domain name. Although the addition of the descriptive term "groups" may bear on assessment of the second and third elements, the Panel finds it does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. See, e.g., [WIPO Overview 3.0](#), section 1.8 (where the relevant mark is recognizable within disputed domain name, the addition of other terms does not prevent a finding of confusing similarity). Accordingly, the disputed domain name is 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.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 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 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 3.0](#), section 2.1.

The Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. There is no reason to conclude that Respondent is commonly known by the disputed domain name. The use of the disputed domain name to host a page with pay-per-click links related to Complainants' offerings (financial services such as online banking and retirement planning tools as translated by the Panel from French to English) does not constitute a bona fide offering and is not a noncommercial or a fair use. Respondent has 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 name such as those enumerated in the Policy or otherwise.

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.

Complainant's long-standing prior rights in its LPL and LPL FINANCIAL marks and use in domain names predate registration of the disputed domain name by many years. Respondent is using the parking page with pay-per-clicks that are related to Complainant's offerings in what the Panel views as an intentional attempt to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with Complainant's mark. Further, Respondent has failed to respond to Complainant's correspondence and to the Complaint and concealed his identity in the publicly available Whois.

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

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 <lplfinancialgroups.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: January 15, 2024