

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Lewis Sue
Case No. D2025-0444

1. The Parties

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

The Respondent is Lewis Sue, China.

2. The Domain Name and Registrar

The disputed domain name <watchfreeonlyfans.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 February 4, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 2025, 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 (REDACTED FOR PRIVACY, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 2025, 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 amendment to the Complaint on February 10, 2025.

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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 12, 2025. In accordance with paragraph 5 of the Rules, the due date for Response was March 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 12, 2025.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on March 20, 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 paragraph 7 of the Rules.

4. Factual Background

The Complainant is the company in the United Kingdom which owns and operates the website located at the domain name <onlyfans.com> and has used its domain name in connection with the provision of a social media platform that allows users to post and subscribe to audiovisual content. In providing its services, the Complainant has used the ONLYFANS word and design marks (the “ONLYFANS Marks”) since at least July 4, 2016, and filed European Union Trade Mark applications of the ONLYFANS Marks on June 5, 2018.

The Complainant has registered the ONLYFANS Marks worldwide, including the following:

- European Union Trade Marks Nos. 017912377 and 017946559 and United Kingdom Trademarks Nos. UK00917912377 and UK00917946559 (the above four were registered on January 9, 2019).
- United States Trademark No. 5769267 (which was registered on June 4, 2019).
- International Trademarks Nos. 1507723 and 1509110 (the above two were registered on November 2, 2019).

The Respondent registered the disputed domain name on August 5, 2024, and offers adult entertainment services at the disputed domain name.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Notably, the Complainant’s contentions may be summarized as follows:

Even disregarding the Complainant’s registered rights, the Complainant registered the domain name <onlyfans.com> on January 29, 2013, and has extensive common law rights in the ONLYFANS Marks well before the Respondent registered the disputed domain name. Because <onlyfans.com> is one of the most visited websites in the world, it has become a prime target for cybersquatters wishing to profit from the goodwill that the Complainant has garnered in the ONLYFANS Marks. The disputed domain name consists of the Complainant’s exact ONLYFANS Mark with the only difference being the insertion of the descriptive phrase “watch free” before the Complainant’s ONLYFANS Mark, which does nothing to avoid confusing similarity.

The Respondent has no connection or affiliation with the Complainant and has not received any authorization, license, or consent, whether express or implied, to use the ONLYFANS Marks in the disputed domain name or in any other manner. The Respondent is not commonly known by the ONLYFANS Marks and does not hold any trademarks for the disputed domain name. The Respondent cannot claim the right to use the disputed domain name under fair use, since it includes the ONLYFANS Mark and the additional phrase “watch free” which creates a risk of implied affiliation by falsely suggesting to users that the disputed domain name offers an authorized way to “watch free OnlyFans” content. Using the disputed domain name to host commercial websites that advertise goods and services in direct competition with the trademark owner does not give rise to legitimate rights or interests.

Bad faith registration should be found, since the Respondent used the Complainant's ONLYFANS Mark and the additional phrase "watch free" within the disputed domain name, which enhances the likelihood of confusion with the Complainant. The Complainant sent a cease-and-desist letter to the Respondent on October 4, 2024, demanding the Respondent stop using and cancel the disputed domain name, but the Respondent did not respond. The Respondent's use of a privacy service combined with a failure to submit a response is additional evidence of bad faith registration. The Respondent clearly registered the disputed domain name to divert Internet traffic from the Complainant's website to the competitor's website offering adult entertainment content.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must assert and prove the following three elements are present:

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

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 the Complainant's trademark and the disputed domain name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)").

The disputed domain name consists of the terms "watch free" (without the space between the words) and the Complainant's ONLYFANS Mark in its entirety along with the generic Top-Level Domain ("gTLD") ".com".

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element in paragraph 4(a) of the Policy (see section 1.8 of the [WIPO Overview 3.0](#)). The Complainant's ONLYFANS Mark is clearly recognizable within the disputed domain name and then the addition of the terms "watch free" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's ONLYFANS Mark under the first element in paragraph 4(a) of the Policy (see *Fenix International Limited c/o Walters Law Group v. Whois Privacy Protection Service, Inc. / Wrenn Taylor*, WIPO Case No. [D2021-0350](#); *Fenix International Limited v. Robert Scean*, WIPO Case No. [D2022-4301](#); *Fenix International Limited v. Dan Sirbu*, WIPO Case No. [D2022-4535](#); *Fenix International Limited v. Frank Bekkenbower*, WIPO Case No. [D2023-2216](#); *Fenix International Limited v. Host Master, 1337 Services LLC*, WIPO Case No. [D2024-0202](#); and *Fenix International Limited v. Chad Profeta*, WIPO Case No. [D2024-0449](#)).

Further, the applicable gTLD in a domain name is viewed as a standard registration requirement and as such is disregarded for assessing the confusing similarity under the first element in paragraph 4(a) of the Policy (see section 1.11.1 of the [WIPO Overview 3.0](#)).

Therefore, the Panel finds that the first element in paragraph 4(a) of the Policy has been established.

B. Rights or Legitimate Interests

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

As the Respondent operates the website providing adult entertainment services under the disputed domain name which is confusingly similar to the Complainant's ONLYFANS Mark and displays the title "Watch Free Onlyfans - Leaked OnlyFans, Free OnlyFans Videos, Watch Asian OnlyFans", the Panel concludes that the Respondent is clearly seeking to target the Complainant and its ONLYFANS Mark. The Panel further notes that the Respondent has no connection or affiliation with the Complainant and has not received any authorization, license, or consent, whether express or implied, to use the ONLYFANS Marks in the disputed domain name or in any other manner.

Moreover, there is no evidence to suggest that the Respondent holds any trademarks for the disputed domain name and is commonly known by the disputed domain name, as contemplated by paragraph 4(c)(ii) of the Policy. As the Respondent obviously operates the website under the disputed domain name for commercial gain to misleadingly divert consumers or to tarnish the ONLYFANS Marks, the Respondent is not considered to be making a legitimate noncommercial or fair use of the disputed domain name stipulated by paragraph 4(c)(iii) of the Policy.

Although the overall burden of proof in the proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy 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 fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element in paragraph 4(a) of the Policy (see section 2.1 of the [WIPO Overview 3.0](#)).

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

Consequently, the Panel finds that the second element in paragraph 4(a) of the Policy has been established.

C. Registered and Used in Bad Faith

According to the Complainant's Annual Report and Consolidated Financial Statements for the year ended November 30, 2023, the Complainant has 305 million registered users. Considering that the Respondent provides adult entertainment services similar to the Complainant's services by displaying the ONLYFANS Marks on the website under the disputed domain name, the Respondent must have known the Complainant's goodwill and reputation in its ONLYFANS Marks at the time of the registration of the disputed domain name.

The fact that the Respondent conceals its identity by using a privacy or proxy service supports an inference of bad faith in this case (see sections 3.6 of the [WIPO Overview 3.0](#); see also *Fenix International Limited v. WhoisGuard Protected, WhoisGuard, Inc. / kadene wignall*, WIPO Case No. [D2021-0825](#)).

The Respondent did not reply to the cease-and-desist letter sent by the Complainant to the Respondent on October 4, 2024 and still continues to operate the website providing adult entertainment services under the disputed domain name, which constitutes further evidence that the Respondent knowingly acted in bad faith (see *Fenix International Limited v. Perfect Privacy, LLC/ Chad Moston, Speedplexer*, WIPO Case No. [D2020-1162](#); *Fenix International Limited c/o Walters Law Group v. Whois Privacy Protection Service, Inc. / Wrenn Taylor*, WIPO Case No. [D2021-0350](#); *Fenix International Limited v. Jayson Many, media friend /*

WhoisGuard, Inc., WIPO Case No. [D2021-0880](#); *Fenix International Limited v. Host Master, 1337 Services LLC*, WIPO Case No. [D2021-2652](#); and *Fenix International Limited v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Leon Key*, WIPO Case No. [D2021-3132](#)).

Thus, the Panel concludes that the Complainant has established the third element in paragraph 4(a) 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 name <watchfreeonlyfans.com> be transferred to the Complainant.

/Yuji Yamaguchi/

Yuji Yamaguchi

Sole Panelist

Date: April 3, 2025