

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. PRAKASH Kumar, YTPrakash
Case No. D2024-4805

1. The Parties

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

The Respondent is PRAKASH Kumar, YTPrakash, India.

2. The Domain Name and Registrar

The disputed domain name <onlyfansapp.top> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 20, 2024. On November 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 2024, 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 (Whois Privacy Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 22, 2024, 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 November 25, 2024.

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 November 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 16, 2024.

The Center appointed Alexander Duisberg as the sole panelist in this matter on December 20, 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

The Complainant operates and owns the domain name <onlyfans.com> and has used its domain name for several years in connection with the provision of a social media platform that allows users to post and subscribe to audiovisual content on the internet website. It is a platform that enables a diverse array of content creators to monetize their work, and cultivate genuine connections with their fans. The website hosted at the domain name <onlyfans.com> currently has more than 180 million registered users.

In providing its services, the Complainant has made extensive use of the ONLYFANS trademark. The Complainant has registered rights in its trademark with the European Union Intellectual Property Office (“EUIPO”), the United Kingdom Intellectual Property Office (“UKIPO”), and the United States Patent and Trademark Office (“USPTO”).

The Complainant is the owner of the following trademark registrations for word and design marks:

Jurisdictions	Trademarks	Registration Numbers	Registration Date
EUIPO	ONLYFANS	017912377	January 9, 2019
	ONLYFANS	017946559	January 9, 2019
UKIPO	ONLYFANS	UK00917912377	January 9, 2019
		UK00917946559	January 9, 2019
USPTO	ONLYFANS	5769267	June 4, 2019
	ONLYFANS.COM	5769268	June 4, 2019
	OFTV	6918292	December 6, 2022
	ONLYFANS	6253455	January 26, 2021
		6253475	January 26, 2021
		6918293	December 6, 2022
		6918294	December 6, 2022
International	ONLYFANS	1509110	November 2, 2019
	ONLYFANS	1507723	November 2, 2019

The Complainant registered the domain name <onlyfans.com> on January 29, 2013, and has extensive legal rights in the ONLYFANS mark throughout the world that commenced by, at latest, July 4, 2016. The disputed domain name was registered on February 24, 2024, which resolved to a website that mimics the Complainant's website and features unauthorized, infringing, and counterfeit use of the Complainant's trademark in connection with services that are similar to those of the Complainant. The Complainant successfully enforced its rights against a series of infringing domain names. The Panel notes that the Complainant has conducted numerous UDRP proceedings including the following cases: *Fenix International v. Withheld for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf/Leon Key*, WIPO Case No. [D2021-3132](#); *Fenix International Limited v. Privacy Service Provided by Withheld for Privacy ehf / Andrei Ivanov*, WIPO Case No. [D2021-3384](#); *Fenix International Limited v. Withheld for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf / Rajav Rai*, WIPO Case No. [D2021-3181](#); *Fenix International Limited v. Domain Admin, Beacons AI Inc.*, WIPO Case No. [D2024-0113](#); *Fenix International Limited v. Withheld for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf / Eduardo Guerrero Romero*, WIPO Case No. [D2021-3180](#).

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that:

(a) the disputed domain name is identical or confusingly similar to the Complainant's ONLYFANS trademark in which the Complainant has rights. The Complainant contends that the disputed domain name consists of the Complainant's exact trademark, ONLYFANS, with the only difference being the insertion of the term, "app", after the Complainant's trademark, which does nothing to avoid confusing similarity. Also, the Complainant argues that the addition of the generic Top-Level Domain ("gTLD") ".top" should not be taken into account to assess similarity and therefore, it does not change the result that the Complainant's trademark is clearly recognizable in the disputed domain name which should be considered as confusingly similar to the Complainant's trademark.

(b) 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 trademark in the disputed domain name or in any other manner.

The Complainant asserts that the Respondent is not commonly known by the disputed domain name and does not hold any trademark for the disputed domain name.

The Complainant contends that the Complainant has achieved global fame and success in a short time which makes it clear that the Respondent knew the ONLYFANS trademark and knew that the Respondent had no rights or legitimate interest in the disputed domain name. The Complainant states that there is no evidence that the Respondent is known by the name of the disputed domain name.

The Complainant contends that the Respondent's use of the disputed domain name, which incorporates the ONLYFANS trademark together with the additional term "app" does not qualify as fair use, especially when such usage falsely suggests or implies endorsement or sponsorship by the Complainant. The Complainant states that the Respondent's inclusion of the term "app" creates a risk of implied affiliation by suggesting that the application download at the disputed domain name is provided or approved by the Complainant.

The Complainant asserts that the disputed domain name resolves to a website that contains logos that are identical to the ONLYFANS trademark registered logos for use with downloadable mobile applications. The Complainant states that the Respondent is using an identical or confusingly similar domain name to direct Internet users to a website offering illegal services. The Complainant contends that Panels have categorically held the use of a domain name for illegal activity can never confer rights or legitimate interests on respondents, particularly in the case of counterfeits, replicas, or reproductions; phishing, distribution of malware; or providing unauthorized access.

The Complainant states that these factors serve as evidence that the Respondent has no right or legitimate interests in the disputed domain name.

(c) the disputed domain name was registered and is being used in bad faith. The Complainant states that the Respondent has registered the disputed domain name in bad faith. The Complainant contends that the Respondent registered the disputed domain name with complete awareness of the ONLYFANS trademark and the Complainant's business operations, as the ONLYFANS trademark registrations predate the registration of the disputed domain name, which is confusingly similar to the well-known ONLYFANS trademark. The Complainant asserts that the Respondent must have registered the disputed domain name with the aim of taking advantage of the Complainant's reputation and generating likelihood of confusion between the disputed domain name and the ONLYFANS trademark. The Complainant states that the inclusion of the ONLYFANS trademark alongside the descriptive term "app" in the disputed domain name enhances the likelihood of confusion by suggesting to users that the "app" is provided by Complainant.

The Complainant states that the Complainant sent a cease-and-desist letter to Respondent on May 14, 2024, demanding the Respondent stop using and cancel the disputed domain name but the Respondent did not respond. The Complainant asserts that this lack of response further substantiates the claim of bad faith registration. All these factors collectively serve as evidence of the Respondent's bad faith registration of the disputed domain name.

The Complainant contends that the Respondent created a website to which the disputed domain name resolved to divert internet traffic from the Complainant's official website by offering mobile application services in direct competition with the Complainant's services. The Complainant states that such a use is an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the ONLYFANS trademark as to the source, affiliation, or endorsement of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

The Panel acknowledges the consensus view – as set forth in paragraph 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the “[WIPO Overview 3.0](#)”) – that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant. The Complainant must establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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. [WIPO Overview 3.0](#), section 1.7.

The 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 the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 (see *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Megan Scott*, WIPO Case No. [D2022-1943](#); *Fenix International Limited v. Domain Admin, Beacons AI Inc.*, WIPO Case No. [D2024-0113](#); *Fenix International Limited v. Md. Mizanur Rahman*, WIPO Case No. [D2024-0467](#)).

In the Panel's view, the ONLYFANS Trademark is reproduced in its entirety in the disputed domain name. This is sufficient to establish confusing similarity for the purpose of the Rules. The gTLD “.top” is typically disregarded for the purpose of the comparison with the ONLYFANS Trademark on the basis that this is a mere technical requirement for registration (see *The Pink Pig SA and Jorge Pork Meat SL v. Blanco Jose Luis*, WIPO Case No. [DEU2023-0020](#); *Fenix International Limited v. Super Privacy Service LTD / Jamiur Bin Nasir*, WIPO Case No. [D2021-3315](#)).

Although the addition of other terms here, “app” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8 (see *Fenix International Limited v. Md. Mizanur Rahman*, WIPO Case No. [D2024-0467](#); *Fenix International Limited v. Domain Admin, Beacons AI Inc.*, WIPO Case No. [D2024-0113](#); *Fenix International Limited v. Withheld for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf / Rajav Rai*, WIPO Case No. [D2021-3181](#); *Fenix International Limited v. Privacy Service Provided by Withheld for Privacy ehf / Andrei Ivanov*, WIPO Case No. [D2021-3384](#); *Columbia Sportswear Company v. Lea Biermann, Domain Admin, Whoisprotection.cc, and Client Care, Web Commerce Communications Limited*, WIPO Case No. [D2021-3131](#); *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Megan Scott*, WIPO Case No. [D2022-1943](#)).

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 the 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 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 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. [WIPO Overview 3.0](#), section 2.1.

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.

The Respondent has neither been authorized nor has it been granted a license by the Complainant to use the ONLYFANS trademark, either as a domain name or in any other way. The Panel finds that there is no reason to believe that Respondent’s name somehow corresponds with the disputed domain name, and that the Respondent does not appear to have any trademark rights associated with the term ONLYFANS on its own (see *Fenix International Limited v. Steven Williams, onlyfansdates*, WIPO Case No. [D2023-2518](#); *Fenix International Limited v. Suren Akopian*, WIPO Case No. [D2024-0462](#)).

The disputed domain name resolves to a commercially website at “onlyfansapp.top”, offering to download an “Only Fans App” with no authorization to do so, thereby prominently displaying the ONLYFANS trademark and official logo of the Complainant (see *LE PORC GOURMET, SA, JORGE PORK MEAT, SL v. Leonie Dreher*, WIPO Case No. [D2024-4421](#); *Fenix International Limited v. Md. Mizanur Rahman*, WIPO Case No. [D2024-0467](#)).

In the Panels view the disputed domain name contains the ONLYFANS trademark in its entirety with a term related to the Complainant’s business, and therefore, carries a risk of implied affiliation with the Complainant (see *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Megan Scott*, WIPO Case No. [D2022-1943](#); *The Pink Pig SA, Jorge Pork Meat, SL v. PINK PIG*, WIPO Case No. [D2023-4912](#); *Rockstar Games v. Texas International Property Associates*, WIPO Case No. [D2007-0501](#)).

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

A registration under bad faith occurs where the Respondent knew or should have known of the registration and use of the trademark prior to registering the disputed domain name with the intent to unfairly target that trademark (see *Philip Morris Products S.A. v. Hcc liu*, 1, WIPO Case No. [D2024-1243](#); *Arkema France v. Cassandra Burton*, *DOW CHEMICAL COMPANY*, WIPO Case No. [D2024-1981](#)). The Panel notes that the ONLYFANS Trademark was registered prior to the registration of the disputed domain name. Also, the Respondent uses the logo registered by the Complainant for the ONLYFANS Trademark on the website run by the Respondent under the disputed domain name. Using this logo on the website impersonates the Complainant and indicates that the Respondent must have known the Complainant and the well-established ONLYFANS trademark (see *The Pink Pig SA and Jorge Pork Meat, SL v. amina acadey, Emperor*, WIPO Case No. [D2024-1332](#); *Fenix International Limited v. Super Privacy Service LTD / Jamiur Bin Nasir*, WIPO Case No. [D2021-3315](#); *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Megan Scott*, WIPO Case No. [D2022-1943](#)). The Panel finds the widespread recognition of the ONLYFANS trademark is such that the Respondent, must have knowledge of the trademark before registering the disputed domain name (see *Fenix International Limited v. Steven Williams, onlyfansdates*, WIPO Case No. [D2023-2518](#); *Fenix International Limited v. Super Privacy Service LTD / Jamiur Bin Nasir*, WIPO Case No. [D2021-3315](#); *Fenix International Limited v. Suren Akopian*, WIPO Case No. [D2024-0462](#)).

The Panel finds that the Respondent attempted to attract, for commercial gain, Internet users including the Complainant's customers to its infringing website by creating a likelihood of confusion with the Complainant's trademark, because the website to which the disputed domain name resolves is purportedly offering products and services which are identical to those of the Complainant. The evidence indicates that the Respondent was aware of and intended to unfairly benefit from the confusing similarity between the disputed domain name and the ONLYFANS trademark for commercial gain. The Panel concludes that the Respondent registered and is using the disputed domain name in bad faith (see *Guardant, Inc. v. Jeff Park*, WIPO Case No. [D2009-0631](#); *Fenix International Limited v. Domain Admin, Beacons AI Inc.*, WIPO Case No. [D2024-0113](#); *Rockstar Games v. Texas International Property Associates*, WIPO Case No. [D2007-0501](#); *Philip Morris Products S.A. v. Jalil Ghadami*, WPO Case No. [D2024-1371](#)).

The Panel finds that the 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 name <onlyfansapp.top> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: January 3, 2025