

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Vasilii, Vasilii LDT

Case No. D2024-5069

1. The Parties

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

The Respondent is Vasilii, Vasilii LDT, Ukraine.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 9, 2024. On December 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 11, 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 December 11, 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 December 11, 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 December 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2025.

The Center appointed Haig Oghigian as the sole panelist in this matter on January 16, 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. Procedural Issue

Paragraph 10(b) of the Rules requires the Panel to ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case. Paragraph 10(c) requires that the administrative proceeding takes place with due expedition.

The Respondent’s mailing address is in Ukraine, which is subject to an international conflict at the date of this decision. These circumstances may impact case notification and it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The Panel is of the view that the proceeding should continue, having considered all the circumstances of the case.

The Panel notes that the mail service was not able to deliver the Written Notice sent by registered mail to the Respondent’s address in Ukraine (“Delivery failed: Recipient absent”); however, the Complaint was delivered to the Respondent’s email address provided by the Registrar without any delivery failure response. The Respondent has not opposed the continuation of the proceedings.

The Complainant has specified in the Complaint that any challenge made by the Respondent to any decision to transfer the disputed domain name will be submitted to the jurisdiction of the courts at the location of the principal office of the concerned registrar (the United States of America).

Additionally, as set out below, the Panel has formed the view that the Respondent registered and has used the disputed domain name in bad faith.

5. Factual Background

The Complainant, Fenix International Limited, technology company specializing in software development, data protection and cloud services. The Complainant owns OnlyFans, an Internet content subscription service, social media network and video on demand service. OnlyFans has over 180 million registered users at present and per similarweb, is the 97th most popular website globally and the 55th most popular website in the United States of America.

The Complainant owns numerous trademark registrations for OnlyFans (thereafter the “Complainant’s marks”), such as but not limited to:

Jurisdiction	Mark	No.	Registration Date
United Kingdom	ONLYFANS	017912377	January 9, 2019
United States of America	ONLYFANS	5,769,267	June 4, 2019
United States of America	ONLYFANS.COM	5,769,268	June 4, 2019

The Complainant operates its website at <onlyfans.com>.

The disputed domain name is <onlyfansmore.shop>, registered on May 10, 2024.

The disputed domain name resolved, at the time of the Complaint, to an active site featuring adult entertainment services including images, audio and non-downloadable video.

The Respondent is Vasillii, of Vasillii LDT, registered in Kyiv, Ukraine. No information on the Respondent's business offerings has been provided by any party, nor is there any evidence given of any kind of business relationship between the Complainant and the Respondent.

6. 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:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.
- The Complainant states that the disputed domain name is almost identical and confusingly similar to the trademark and service mark in which the Complainant has rights. The Complainant highlights that their rights to the applicable marks have been recognized in more than 150 prior WIPO decisions. The only difference between the disputed domain name and the Complainant's mark is the addition of the descriptive term "more", which the Complainant argues does nothing to avoid confusing similarity. Additionally, the Complainant argues that the addition of the Top Level Domain, ".shop", also does not alter the result of confusing similarity, given that it is a standard registration requirement. The Complainant adds that as these marks were registered before the registration of the disputed domain name, the requirements to demonstrate that the disputed domain name is legally identical or at the very least confusingly similar to the Complainant's mark has been satisfied.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- The Complainant argues 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 marks in the disputed domain name or in any other manner, and that the Respondent is not commonly known by the marks nor does the Respondent hold any marks related to the disputed domain name.
- The disputed domain name was registered and used in bad faith.
- The Complainant states that the registration of the Complainant's trademarks predates the registration of the disputed domain name and the Respondent has never been authorized by the Complainant to use the trademarks nor to register the disputed domain name. The Complainant further argues that the distinctiveness of their mark is strong enough that the Respondent should be aware of their mark, given that it is one of the top 100 most popular websites in the world. The Complainant argues that given the Complainant's marks are internationally well-known among the relevant public, the Respondent either knew or should have known about the Complainant's marks and the fact that the Respondent did register the disputed domain name demonstrates bad faith. Furthermore, the Complainant argues that the addition of the term "more" enhances the likelihood of confusion as it suggests that the disputed domain name is authorized by the Complainant and provides access to the Complainant's services, and therefore is done in bad faith. The Complainant adds that the disputed domain name resolved to a site which contained products or services in direct competition with the Complainant, which further demonstrates the Respondent's likelihood of familiarity with the Complainant and the Complainant's marks. The Complainant adds that it sent a cease-and-desist letter on July 25, 2024, demanding the Respondent stop using and cancel the disputed domain name, to which the Respondent did not reply. The Complainant argues this

failure to respond, or to engage with any dispute resolution at all, constitutes bad faith.

B. Respondent

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

7. Discussion And Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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.

Although the addition of other terms here, "more" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

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 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.

In the present case, the Panel notes that the Respondent registered and used the disputed domain after the Complainant registered the Complainant's marks, and the Respondent has reproduced a well-known mark to create an implied affiliation to the Complainant for commercial gain, which cannot constitute fair use. This finding is reinforced given the use of the disputed domain name was for services similar to those found on the Complainant's website, and that the Complainant has provided evidence corroborating its prior use of the disputed domain name and thus suggests that the Respondent is likely seeking to capitalize on the preexisting Internet traffic and recognition of the disputed domain name as being affiliated or owned by the Complainant.

The Panel finds that the Complainant has established the third element of the Policy.

8. 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 <onlyfansmore.shop> be transferred to the Complainant.

/Haig Oghigian/

Haig Oghigian

Sole Panelist

Date: January 30, 2025