

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Angola Cables, Julio Chilela
Case No. D2024-5135

1. The Parties

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

The Respondent is Angola Cables, Julio Chilela, Angola.

2. The Domain Name and Registrar

The disputed domain name <onlyfansangola.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 12, 2024. On December 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 13, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 16, 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 17, 2024.

The Center verified that 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 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2025. The Response was filed with the Center on January 8, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on January 22, 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

The Complainant owns and operates a private social media platform that allows users to post and subscribe to adult audiovisual content.

The website of the Complainant is available at “www.onlyfans.com” which, according to a screen capture produced by the Complainant from the ranking website at “www.similarweb.com”, is the 97th most visited website on the Internet.

The Complainant is the owner of several ONLYFANS trade marks, including the following:

- European Union Trade Mark ONLYFANS registered under no. 17912377 on January 9, 2019, in classes 9, 35, 38, 41, and 42; and
- United States Trade Mark ONLYFANS registered under no. 5769267 on June 4, 2019, in class 35.

Prior decisions under the Policy have recognized the Complainant's common law trade mark rights in the ONLYFANS trade mark since July 4, 2016, as well as the fame of the Complainant's social media platform and renown of the ONLYFANS trade mark.

The Complainant owns the domain name <onlyfans.com>, which was registered on January 29, 2013, and corresponds to its main website.

The disputed domain name was registered on April 1, 2024, and pointed to a dating website reproducing the Complainant's ONLYFANS trade mark. At the time of the decision, the Respondent's website was not accessible.

The Complainant sent a cease-and-desist letter to the Respondent on July 28, 2024, demanding that the Respondent stop using and cancel the disputed domain name. No response was received.

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 the disputed domain name includes its well-known ONLYFANS trade mark and that the insertion of the term “angola” does not avoid confusing similarity.

Turning to the issue of whether the Respondent has rights or legitimate interests in the disputed domain name, the Complainant considers that it has achieved global fame and success in a short time which makes it clear that the Respondent knew of the Complainant's ONLYFANS trade mark at the time of registering the disputed domain name and also knew that it had no rights or legitimate interests in the disputed domain name. The Complainant submits that the website at the disputed domain name is a dating website seemingly targeting the Complainant's users and/or otherwise associating itself with the Complainant and that this does not give rise to legitimate rights or interests. The Complainant also contends that the

Respondent has no connection or affiliation with the Complainant and has not received any authorization, license, or consent to use the ONLYFANS trade mark in the disputed domain name or in any other manner.

The Complainant also argues that the Respondent is not commonly known by the ONLYFANS trade mark and does not hold any trade marks similar to the disputed domain name.

Finally, the Complainant considers that the disputed domain name was registered and is being used in bad faith. The Complainant essentially argues that given the extensive popularity and renown of the Complainant at the time of registration of the disputed domain name, the Respondent must have been well aware of the Complainant. In terms of use of the disputed domain name in bad faith, the Complainant contends that the Respondent's use of the disputed domain name is an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trade mark as to the source, affiliation, or endorsement of the disputed domain name. The Complainant also points to the fact that it addressed a cease and desist letter to the Respondent, who simply ignored it.

B. Respondent

The Respondent filed a Response with the Center whereby the Respondent indicated that it is solely a service provider and has no direct relationship with the site owner and gave its consent to the remedy requested by the Complainant.

6. 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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ONLYFANS trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "angola", 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 trade 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.

In its Response, 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.

Further, the Respondent has given its consent to the remedy requested by the Complainant.

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.

In the present case, the Panel finds that the Respondent, at the time of registration of the disputed domain name, must have been aware of the Complainant's trade mark ONLYFANS reproduced in the disputed domain name given the reputation of the ONLYFANS trade mark, as acknowledged by previous UDRP panels and the fact that the Complainant's website is one of the most visited websites on the Internet.

In terms of use of the disputed domain name in bad faith, the Panel notes that the disputed domain name pointed to a dating website. The disputed domain name was thus used in relation to an activity that was similar or at least connected to the Complainant's activity. On this basis, the Panel finds that, as per paragraph 4(b)(iv) of the Policy, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

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 <onlyfansangola.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: February 9, 2025