

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Roger Ferreira, Calcinha Molhada
Case No. D2025-0347

1. The Parties

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

The Respondent is Roger Ferreira, Calcinha Molhada, Brazil.

2. The Domain Name and Registrar

The disputed domain name <onlyfansvazados.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 29, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 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 (Registration Private, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 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 January 30, 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 the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 21, 2025.

The Center appointed María Alejandra López García as the sole panelist in this matter on February 26, 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 provides a safe social media platform that allows users to post, share, and monetize digital audiovisual content with their subscribers.

The Complainant operates its platform under the domain name <onlyfans.com> registered on January 29, 2013. According to the Complainant's Annual Report and Consolidated Financial Statements by 2023 had more than 305 million registered users.

The Complainant is the owner of several ONLYFANS trademarks across numerous jurisdictions, including the following:

- European Union trademark for ONLYFANS (word mark), Reg. No. 17912377, in International Classes ('ICs') 9, 35, 38, 41, 42; registered on January 9, 2019, and in force until June 5, 2028;
- United Kingdom trademark for ONLYFANS (word mark), Reg. No. UK00917912377, in ICs 9, 35, 38, 41, 42, registered on January 9, 2019, and in force until June 5, 2028;
- United States of America trademark for ONLYFANS (word mark), Reg. No. 5,769,267, in IC 35, registered on June 4, 2019, and in force until December 4, 2025.

The disputed domain name was registered on June 23, 2024, and resolves to an active site featuring adult entertainment services including images, audio, and non-downloadable video.

On September 30, 2024, the Complainant sent a cease-and-desist letter to the Respondent. The Respondent did not reply.

The Respondent is Roger Ferreira, of Brazil. There is no additional information related to the Respondent that might suggest a commercial relationship or any connection with the Complainant.

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.

Concerning the first element of the Policy, the Complainant contends in summary that the disputed domain name is legally identical—or, at the very least, confusingly similar to the Complainant's trademark ONLYFANS; that the disputed domain name consists of the Complainant's exact trademark with the insertion of the descriptive term “vazados” (Portuguese for “leaked”), which does nothing to avoid confusing similarity.

Concerning the second element of the Policy, the Complainant contends in summary that the Respondent has neither rights nor legitimate interests in the disputed domain name, given 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 trademark ONLYFANS in the disputed domain name or any other manner; that the Respondent is not commonly known by the disputed domain name and does not hold any trademarks either; that the disputed domain name resolves to an active website which offers adult entertainment services and content in direct competition with the Complainant's services, including images,

audio and non-downloadable video, under titles containing the ONLYFANS trademarks (and even logo), which generates a false affiliation with the Complainant, capable of misleading and diverting visitors away from the Complainant.

Concerning the third element of the Policy, the Complainant contends in summary that the disputed domain name has been registered and used in bad faith given that the Complainant's trademark rights considerably predate the disputed domain name's registration; the disputed domain name is based on an internationally well-known trademark; the composition of the disputed domain name which enhances the likelihood of confusion constitutes an additional factor of bad faith registration; that the lack of response to the Complainant's cease-and-desist letter of September 30, 2024, also constitutes a bad faith indicator under the Policy; that the use of the disputed domain name which directs to an active website that offers adult entertainment services and content in direct competition with the Complainant's services, including images, audio, and non-downloadable video, with it falling into paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must satisfy each of the three following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

No Response or any kind of communication has been submitted by the Respondent, despite the fair opportunity given by the Center to present its case under paragraph 2(a) of the Rules. However, the Complainant must establish the three elements of paragraph 4(a) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3. Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the "balance of probabilities" or "preponderance of the evidence" standard. See, paragraphs 14 and 15(a) of the Rules, and [WIPO Overview 3.0](#), section 4.2.

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 ONLYFANS mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term here, "vazados", 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.

As for the applicable generic Top-Level Domain ("gTLD") ".com", it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

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.

Nothing in the record suggests that the Respondent is commonly known by the disputed domain name, or that the Complainant has granted any kind of authorization or license to the Respondent for the use of any of its ONLYFANS trademarks. Instead, and based on the evidence, the Panel finds that the Respondent intentionally selected and even used an “internationally well-known trademark” as ONLYFANS (see *Fenix International Limited v. Williams Celeb*, WIPO Case No. [D2024-4864](#)) to identify itself, develop, and offer adult content in direct competition with the Complainant’s services, which do not constitute nor a bona fide offering of goods and services, or a legitimate noncommercial or fair use as set out in paragraph 4(c)(i) and 4(c)(iii) of the Policy.

Furthermore, the composition of the disputed domain name, incorporating the Complainant’s well-known trademark plus an additional term, affirms that the Respondent had the Complainant in mind when registered the disputed domain name.

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

C. Registered and Used 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.

Based on the evidence, by the time of the registration of the disputed domain name, i.e.: June 23, 2024, the Complainant’s trademark rights over the term ONLYFANS were more than established and recognized at a worldwide level. The disputed domain name, which is confusingly similar to the Complainant’s widely well-known trademark, resolves to an active website, which displays, adult content under the Complainant’s ONLYFANS trademark and logo, in direct competition with the Complainant’s business activity, showing with it that the Respondent has targeted the Complainant, which constitutes bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Concerning the use of the disputed domain name, as described, the Respondent has arbitrarily taken the Complainant’s trademark ONLYFANS (including its logo), to identify itself, and offer adult entertainment services including images, audio, and non-downloadable video, in direct competition with the Complainant’s

business activity. This Panel finds that certainly, such 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 Complainant's mark as to the source, affiliation, or endorsement of the disputed domain name, as set out in paragraph 4(b)(iv) of the Policy. See [WIPO Overview 3.0](#), section 3.1.4.

Panels have held that the use of a domain name for illegitimate activity here claimed as passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <onlyfansvazados.com> be transferred to the Complainant.

/María Alejandra López García/

María Alejandra López García

Sole Panelist

Date: March 7, 2025