

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. bryan oliveira
Case No. D2025-0607

1. The Parties

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

The Respondent is bryan oliveira, Brazil.

2. The Domain Name and Registrar

The disputed domain name <onlyfansxxx.site> 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 February 14, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 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 18, 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 February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on March 18, 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, Fenix International Limited, is a company that owns and operates the website located at the domain name <onlyfans.com>. The Complainant has used its domain name for several years to provide a social media platform that allows its users to post and subscribe to audiovisual content online.

The Complainant owns several trademark registrations in different jurisdictions for the ONLYFANS, ONLYFANS.COM, and OFTV word marks. The Complainant has also registered trademarks for its lock logo and the OF design marks. These trademark registrations include, among others, the European Union Trade Mark ONLYFANS No. 017912377, registered on January 9, 2019, for goods and services in classes 9, 35, 38, 41, and 42; the US trademark ONLYFANS No. 5,769,267, registered on June 4, 2019, for services in class 35. The Panel also notes that the Complainant owns the International Trademark Registration ONLYFANS No. 1507723, registered on November 2, 2019, designating several countries (including Brazil, where the Respondent is located) for goods and services in classes 9, 35, 38, 41, and 42.

The Complainant also asserts that it registered its domain name <onlyfans.com> on January 29, 2013, and acquired extensive common law rights in the ONLYFANS trademark throughout the world that commenced by, at least, July 4, 2016.

The disputed domain name was registered on August 6, 2024. At the time of filing of the Complaint and this Decision, the disputed domain name redirects to a website that hosts adult entertainment content.

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 its website at the domain name <onlyfans.com> is one of the most popular websites in the world, with more than 305 million registered users, and its rights on the ONLYFANS trademark predate the Respondent's registration of the disputed domain name. The Complainant's contentions regarding the three elements under the Policy can be summarized as follows.

Firstly, the Complainant submits that the disputed domain name is identical or confusingly similar to its trademarks, and the insertion of the descriptive term "xxx" after the Complainant's trademark does not avoid the confusing similarity between the ONLYFANS trademark and the disputed domain name.

Secondly, the Complainant asserts that the Respondent has no connection or affiliation with the Complainant, it has not received any authorization, license, or consent to use the ONLYFANS trademark in the disputed domain name or any other manner. The Complainant also states that the Respondent is not commonly known by the disputed domain name and does not hold any trademark rights for the disputed domain name. The Complainant also submits that the Respondent cannot claim the right to use the disputed domain name under fair use, since there exists a risk of implied affiliation with the Complainant. Finally, the use of the disputed domain name to offer services in direct competition with the Complainant cannot give rise to legitimate rights or interests.

Thirdly, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. In particular, the Complainant claims that the Respondent registered the disputed domain name with the clear objective to target its widely-known ONLYFANS trademark, and the Respondent is using this

confusingly similar disputed domain name to direct Internet users to a website offering adult entertainment content in direct competition with the Complainant.

B. Respondent

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

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 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, "xxx", 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.

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 this regard, the Complainant affirmed that the Respondent is not affiliated with the Complainant and has not received any authorization or consent to use the ONLYFANS trademark in any manner. Nothing in the record suggests that the Respondent is commonly known by the disputed domain name. In particular, the Panel finds that using the confusingly similar disputed domain name that redirects to a website offering adult entertainment services in direct competition with the Complainant cannot confer rights or legitimate interests under the Policy. See also, [WIPO Overview 3.0](#), section 2.5.1 and 2.5.3.

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.

Therefore, 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 Complainant's trademark predates the registration of the disputed domain name. The Panel also considers the composition of the disputed domain name, the well-known nature of the ONLYFANS trademark for the relevant public, and the use of the disputed domain name made by the Respondent. Consequently, the Panel finds that the Respondent must have been aware of the Complainant's trademark rights when registering the disputed domain name and must have known that its registration would be confusingly similar to the Complainant's trademark. [WIPO Overview 3.0](#), section 3.2.2.

As noted above, the disputed domain name redirects to a website that offers adult entertainment content in direct competition with the Complainant's services. Therefore, the Panel finds it clear that the Respondent, by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to that website by creating a likelihood of confusion with the Complainant's ONLYFANS trademark as to the source, sponsorship, affiliation, or endorsement of the website or of products or services offered on the website.

Considering above and in the absence of any response, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Accordingly, 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 <onlyfansxxx.site> be transferred to the Complainant.

/Mehmet Polat Kalafatoglu/

Mehmet Polat Kalafatoglu

Sole Panelist

Date: April 1, 2025