

## **ADMINISTRATIVE PANEL DECISION**

Fenix International Limited v. Tania Vernova  
Case No. D2025-0745

### **1. The Parties**

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

The Respondent is Tania Vernova, Ukraine.

### **2. The Domain Name and Registrar**

The disputed domain name <onfansonlys.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 25, 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 25, 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 March 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 25, 2025.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on April 1, 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. Further Procedural Considerations**

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 proceedings take 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 proceedings should continue.

The Panel is of the view that the proceedings 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 ("misrouting"). However, the Notification of 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.

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

#### **5. Factual Background**

The Complainant owns and operates the website located at the domain name <onlyfans.com> to provide a social media platform that allows users to post and subscribe to audiovisual content on the Internet.

The Complainant has registered several trademarks, including the following trademarks (the "ONLYFANS Trademarks"):

- the European Union trademark, ONLYFANS No. 017946559, filed on August 22, 2018, registered on January 9, 2019, for products and services in classes 9, 35, 38, 41, and 42;
- the European Union trademark, ONLYFANS No. 017912377, filed on June 5, 2018, registered on January 9, 2019, for products and services in classes 9, 35, 38, 41, and 42;
- the United States Trademark, ONLYFANS No. 5769267, registered on June 4, 2019, for services in class 35, first use in commerce on July 4, 2016; and
- the United States Trademark, ONLYFANS.COM No. 5769268, registered on June 4, 2019, for services in class 35, first use in commerce on July 4, 2016.

The Complainant also registered the domain name <onlyfans.com> in 2013.

The disputed domain name was registered on July 23, 2024.

The disputed domain name resolves to an active website that offers adult entertainment content in competition with the Complainant's services and displays the Complainant's ONLYFANS trademark.

The Complainant sent a cease-and-desist letter to the Respondent on October 15, 2024, demanding the Respondent to stop using and cancel the disputed domain name to which the Respondent did not respond.

## **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 confusingly similar to the ONLYFANS Trademarks, as it consists of the Complainant's trademarks in a jumbled yet clearly recognizable manner.

Then the Complainant asserts that the Respondent has neither rights nor legitimate interests in the disputed domain name. The Complainant explains 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 ONLYFANS Trademarks in the disputed domain name or in any other manner. The Complainant adds that the Respondent is not commonly known by the ONLYFANS Trademarks and does not hold any trademarks for the disputed domain name. The Complainant submits that no evidence indicates that the Respondent is known by the disputed domain name. The Complainant contends that using a disputed domain name to host commercial websites that advertise goods and services in direct competition with the trademark owner does not give rise to legitimate rights or interests. Indeed, the Complainant highlights that the website to which the disputed domain name resolves is designed to look like an ONLYFANS profile and solicits users to subscribe to the account.

Finally, the Complainant asserts that the disputed domain name was registered and is used in bad faith by the Respondent. The Complainant first considers that the disputed domain name was registered long after the ONLYFANS Trademarks. The Complainant considers that the registration of a domain name that is confusingly similar to a widely known trademark, as is the case here, creates a presumption of bad faith. The Complainant adds that the Respondent was likely aware of the ONLYFANS Trademarks as the website to which the disputed domain name resolves offers services in direct competition with the Complainant and is even titled "[...] OnlyFans" which is fraudulent given that it is untrue. Therefore, the Complainant considers that the Respondent clearly registered the disputed domain name to divert Internet traffic from the Complainant's website to a website offering a faked ONLYFANS profile in relation with adult entertainment content in direct competition with the Complainant's website. The Complainant adds that the Respondent uses the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's ONLYFANS Trademarks as to the source, affiliation, or endorsement of the disputed domain name, because the disputed domain name directs to a commercial website that offers adult entertainment content in direct competition with the Complainant's services and that is a copycat version of an ONLYFANS profile.

### **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 Panel finds the mark is recognizable 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 terms composing the ONLYFANS Trademarks are reversed in the disputed domain name, the Complainant's trademarks remain sufficiently recognizable, and this, as well as the addition of the prefix "on" and a letter "s" 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.

Indeed, it appears 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 ONLYFANS Trademark in the disputed domain name or in any other manner.

Moreover, the Respondent is using the disputed domain name to offer adult entertainment services in direct competition with the Complainant's services.

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 notes that the Respondent has registered the disputed domain name well after the registration of the ONLYFANS Trademarks.

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 this regard, the Panel notes that the disputed domain name is confusingly similar to a widely known trademark, which creates a presumption of bad faith. In addition, the website to which the disputed domain name resolves is titled “[...] OnlyFans”, which demonstrates that the Respondent was aware of the Complainant’s trademarks when registering the disputed domain name. Furthermore, the website to which the disputed domain name resolves offers payable services in direct competition with the Complainant’s services, which is evidence that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s ONLYFANS Trademarks as to the source, sponsorship affiliation or endorsement.

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 <onfansonlys.com> be transferred to the Complainant.

*/Christiane Féral-Schuhl/*

**Christiane Féral-Schuhl**

Sole Panelist

Date: April 7, 2025