

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Paula Bruna Boarques Ferreira
Case No. D2025-0758

1. The Parties

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

The Respondent is Paula Bruna Boarques Ferreira, Switzerland, self-represented.

2. The Domain Name and Registrar

The disputed domain name <onlyfanstoken.online> is registered with eNom, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 24, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 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 (Proxy Protection LLC (690221383)) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 28, 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 28, 2025, adding the Respondent as a named respondent to the Complaint.

The Respondent sent email communications to the Center on February 28, 2025, and the Center sent an email to the Parties regarding possible settlement on the same day. The Complainant did not request a suspension of the proceeding.

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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2025. The Respondent sent three email communications to the Center on February 28, 2025 and two further email communications on March 10, 2025, but did not submit a formal response by the due date. The Center informed the Parties that it would proceed to panel appointment, on April 2, 2025.

The Center appointed Warwick Smith as the sole panelist in this matter on April 7, 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 was founded in 2016. It owns the domain name <onlyfans.com>, at which it operates a website (the Complainant's website) providing a social media platform that allows users to post and subscribe to audiovisual content on the Worldwide Web. The media content on the Complainant's website can only be shared or accessed by registered users, and the business model involves subscribers ("fans") paying to follow on the platform particular content creators of their choice.

According to the Complainant's Annual Report for the financial year ended November 30, 2023 ("the Report"), nearly a million new creators and over 50 million new fans joined the platform during the reporting period. According to the Report, the numbers of fan accounts and creator accounts have grown rapidly since 2016. On November 30, 2023, there were said to be 4,118,000 creator accounts and 305,066,000 fan accounts.

The Complainant holds registrations of the word mark ONLYFANS ("the Word Mark") in the European Union, the United Kingdom, and the United States. The Word Mark was registered in the European Union (under No. 017912377) on January 9, 2019, and in the United Kingdom on the same date (under No. UK00917912377), in respect of various goods and services in International Classes 9, 35, 38, 41, and 42. The Word Mark was registered in the United States (under No. 5,769,267) on June 4, 2019, in respect of the following services in International Class 35: "Arranging subscriptions of online publications of others", and (registration No. 6,253,455) on January 26, 2021 in respect of goods and services in International Classes 9, 35, 38, 41 and 42.

A stylized version of the Word Mark ("the Stylized Mark") has also been registered by the Complainant in each of those jurisdictions, in the following form:

The Stylized Mark was registered in the European Union (under No. 017946559) on January 9, 2019, in the United Kingdom on the same date (under No. UK00917946559), and in the United States (under No. 6253475) on January 26, 2021.



For convenience, the Complainant's trademarks described above are collectively referred to in this Decision as "the Marks".

The disputed domain name was registered on May 25, 2024. It resolves to a website ("the Respondent's website") promoting a "community" cryptocurrency called "ONLY FANS", which is also described on the Respondent's website as "\$ONFANS".

The Complainant produced a screenshot of the Respondent's website taken on February 24, 2025. The Respondent's website predominantly features white upper-case lettering against a background of various shades of blue.

The expression “ONLY FANS 18+ Community Crypto” appears prominently on the first page, in blue uppercase lettering against a white background., with the “O” in “ONLY FANS” in stylized form. Immediately below that heading, the following appears in white lettering against a background that appears to be the same shade of blue: “\$ONFANS IS THE SOCIAL 18+ COMMUNITY TOKEN ON SOLANA BLOCKCHAIN”. A little below that there is a “Trade Now” icon on which the site visitor could click to “SWAP FROM USD TO \$ONFANS”.

The Respondent’s website appeared to be still in the course of development on February 24, 2025. Throughout the Respondent’s website, the Respondent has predominantly adopted a “get-up” of white upper-case lettering against a background of various shades of blue. There were sections called “White Paper”, and “Roadmap”, with the latter section showing proposed developments through to the third quarter of 2025 (including “Adult Platform Project Development & Implementation Start” in the second quarter of 2025). “Token Public Sale” of a limited token supply was projected to start in the third quarter of 2024, and under a heading “TOKEN INFOS near the bottom of the second page the “Total TOKEN SUPPLY” was projected to be 300,000,000.

At the foot of the last page of the Respondent’s website the words “DEVELOPED BY ONFANS” appeared in white upper-case lettering against a light blue background.

The Complainant’s attorneys sent a cease-and-desist letter to the proprietor of the disputed domain name on October 13, 2024, in which they requested the immediate cessation of what they contended were the Respondent’s violations of the Complainant’s intellectual property rights in respect of the disputed domain name. The Respondent did not reply to the cease-and-desist letter.

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.

The Complainant first contends that the disputed domain name is confusingly similar to the Marks.

Secondly, the Complainant says that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no connection or affiliation with the Complainant, and has not received any authorization, license, or consent to use the Marks, whether in the disputed domain name or otherwise. The Respondent is not commonly known by the disputed domain name, and does not hold any trademarks for the disputed domain name. Further, the Marks have achieved global fame and success in a short time, and it is clear that the Respondent must have known of the Complainant and the Marks when the disputed domain name was registered. The Respondent’s registration and use of the disputed domain name falsely suggest sponsorship or endorsement by the Complainant, and the registration of the disputed domain name was therefore made in bad faith. Registration of a domain name in bad faith cannot confer on the registrant any rights or legitimate interests in the domain name.

The Respondent’s website contains an “ONLY FANS” logo that is similar to the Marks and to the Complainant’s OF logos, and it uses a blue / white color scheme that is similar to the Complainant’s color scheme. The Respondent also names her cryptocurrency token “\$ONFANS”, and the “look and feel” of the Respondent’s website is close to that of the Complainant’s website. It is apparent from this combination of features that the Respondent has effectively attempted to impersonate the Complainant, and in those circumstances the Respondent cannot assert any fair use rights in respect of the disputed domain name.

Finally, the Complainant contends that the Respondent registered and has used the disputed domain name in bad faith. The disputed domain name was registered long after the Complainant had attained common law and registered rights in the Marks, and previous UDRP panels have consistently held that registration of a domain name that is confusingly similar to a widely-known trademark, as here, creates a presumption of bad faith. Given the widespread commercial recognition of the Marks around the world, it is more probable than not that the Respondent was fully aware of the Marks when she registered the disputed domain name, and it is difficult to conceive of any use the Respondent might have made of the disputed domain name, without the Complainant's consent, that would not have involved bad faith. The use of logos on the Respondent's website that are purposely similar to the Marks and the Complainant's OF logos also support the view that the Respondent's intention was to target the Marks.

The Respondent's failure to respond to the Complainant's cease-and-desist letter is also consistent with the view that her registration and use of the disputed domain name has been in bad faith, as is the Respondent's decision to keep her identity hidden from the public by the use of a Whois privacy wall. The Respondent clearly registered the disputed domain name with the intention of using the Marks (particularly the Word Mark) to divert Internet traffic from the Complainant's website to a website offering questionable cryptocurrency.

The inevitable conclusion is that there is no plausible circumstance under which the Respondent could legitimately register or use the disputed domain name, and that the disputed domain name was thus registered and is being used by the Respondent in bad faith.

B. Respondent

The Respondent did not file any formal reply to the Complainant's contentions. However, she sent five emails to the Center after she was informed of the Complaint. Her first email, sent on February 28, 2025, was in the German language. In this email, the Respondent briefly enquired "What's that supposed to mean? I don't understand this email." A few minutes later, the Respondent sent an email, in English, advising: "I'm not going to renew this domain and it's about to expire so I can't dispute it."

About 20 minutes later, the Respondent sent a third email to the Center, again in the English language. In this email, she said that she had "no interest in keeping the disputed domain name". She asked that the disputed domain name be unlocked and allowed to expire. She said: "I will no longer use this name I did not think I could create a memecoin that did not work out unsuccessful project, this domain expires now and I give it up."

The Respondent sent two more emails to the Center, both in English, on March 10, 2025. In the first of these emails, she said that she was undergoing some health problems, and did not understand what she needed to proceed, but again made it clear that she did not want the disputed domain name. She said: "I SAY I DON'T WANT THIS DOMAIN, I can't solve anything I can't sign any paper with no understand. This is pressure what they do with me, I don't take anything I say I give the domain back [...] PLEASE TAKE IT FOR YOU DOMAINS WAS FREE TO REGISTER TAKE THIS DOMAIN I TRANSFER. PLEASE HELP ME I DON'T UNDERSTANDS THIS I CAN TRANSFER IN MY SERVER I just can't transfer they had locked."

The second email the Respondent sent to the Center on March 10, 2025 was sent twice, shortly after the first email was sent. The second email appears to be identical to the first email of March 10, 2025, but with the following paragraph added at the end:

"I don't want this domain and I can't sign papers in another language that I don't understand. Please cancel this case take the domain".

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a Complainant is required to establish each of the following:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

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 the Marks for the purposes of the Policy – [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Word Mark is reproduced within the disputed domain name, and the Panel finds that the Word Mark is clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Word Mark for the purposes of the Policy – [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term in a disputed domain name (here, the word "token") might in an appropriate case bear on the panel's assessment of the second and third elements of the Policy, the Panel finds in this case that the addition of the common English word "token" to the Word Mark (as it appears in the disputed domain name) does not prevent a finding of confusing similarity between the disputed domain name and the Word Mark for the purposes of the Policy – [WIPO Overview 3.0](#), section 1.8.

For completeness, the Panel notes that generic Top-Level Domain ("gTLD") such as ".online" are not normally taken into account in the comparison that is required by paragraph 4(a)(i) of the Policy. The gTLD is a technical requirement of registration, and is not normally considered to have legal significance in applying paragraph 4(a)(i).¹

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

B. Rights or Legitimate Interests

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 Complainant has

¹[WIPO Overview 3.0](#), section 1.11.

shown that it has rights as the registered proprietor of the Word Mark in a number of jurisdictions, and the Panel has found that the disputed domain name is confusingly similar to the Word Mark. The Complainant has not authorized or licensed the Respondent to use the Word Mark, whether in a domain name or otherwise. Paragraph 4(c) of the Policy does provide a (non-exhaustive) list of circumstances which, if proved by a respondent, may suffice to demonstrate that the respondent has rights or legitimate interests in a disputed domain name, but none of the paragraph 4 (c) circumstances have been established in this case,² and the Respondent has not shown that there are any other circumstances that might give her a right or legitimate interest in respect of the disputed domain name.

Any possibility that the Respondent might have some right or legitimate interest in the disputed domain name was effectively removed by the emails she sent to the Center on February 28 and March 10, 2025. In her second email sent on February 28, 2025, the Respondent used the language "...so I can't dispute it", and in the third email she sent that day she appears to say that she registered the disputed domain name to create a "meme coin" (presumably the "ONLY FANS" token). The use of the expression "meme coin" appears to suggest that the Respondent was contending in her email that, when she registered the disputed domain name, her intention was to copy, or "evolve", some cultural item such as an idea, behavior or style that had spread across the Internet.³ If that is her contention, the Panel does not accept it. There does not appear to be anything humorous in the Respondent's use of the expression "ONLY FANS", and no "Only Fans" Internet meme has been identified that might have led the Respondent to name her new cryptocurrency ONLY FANS, and to choose the disputed domain name. On the available evidence, all the Panel has before it is evidence of a very successful business operated globally by the Complainant online, with prominent use of the Marks.

The reference to creating a meme coin may suggest that the Respondent was attempting to contend in her email that her intention had been to copy, or "evolve" some cultural item that was already widespread on the Internet, to create a new "meme". While the Panel does not accept that explanation, it does appear to provide an implicit acknowledgement that the Respondent was aware of the Complainant and the Marks when she registered the disputed domain name (on the evidence, the only "Only Fans" entity, idea, thing or style with worldwide Internet recognition that might somehow have provided the idea for the creation of a new meme coin would appear to have been the Complainant and / or the Marks).

For the foregoing reasons, the Panel concludes that the most likely target of the (apparent) copying of the Word Mark was the Complainant and / or the Marks. That conclusion is supported not only by the wide international recognition of the Marks on the Internet⁴ and the confusing similarity between the disputed

² There is nothing to suggest that the Respondent might be commonly known by the disputed domain name (a circumstance listed at paragraph 4(c)(ii) of the Policy), or that the Respondent might have available to her one of the "safe harbor" defenses at subparagraph 4(c)(i) or subparagraph 4(c)(iii) of the Policy. Subparagraph 4(c)(i) is concerned with the situation where a respondent, before receiving notice of the dispute, has used the at-issue domain name in connection with a bona fide offering of goods or services (or has made demonstrable preparations to do so). In the absence of any evidence to the contrary, the Panel accepts the Complainant's submission that the Respondent's registration and use of the disputed domain name have been clearly designed to create the false impression of an association with the Complainant, and such use could never qualify as a use in connection with a bona fide offering of goods or services (or the making of demonstrable preparations for such use). Subparagraph 4(c)(iii) of the Policy is concerned with the situation where a respondent has been making a legitimate, noncommercial or fair use of the disputed domain name, without intent for commercial gain. There is nothing of that sort here – the Respondent's website appears to be commercial in nature, and on the available evidence her use of the disputed domain name appears to have been neither fair nor legitimate.

³ According to Wikipedia, a "meme coin" is a cryptocurrency that originated from an Internet meme or has some other humorous characteristic. An Internet meme is said to be: "a cultural item (such as an idea, behaviour or style) that spreads across the Internet, primarily through social media platforms".

⁴ The Complainant cited a number of decisions in UDRP proceedings in which the Complainant's worldwide fame or renown has been recognized. For example, in *Fenix International Ltd v WhoisGuard Protected, WhoisGuard Inc. / henry chandler*, WIPO case No. D2021-0340, the panel noted that "While the Complainant is a relatively new company it has achieved global fame and success in a short time." See also *Fenix International Ltd v WhoisGuard Inc., WhoisGuard Protected / Mary Mae Cerna*, WIPO case No. D2021-0327, and *Fenix International Ltd. v Domain Admin, Beacons AI Inc., WIPO case No. D2024-0113*. In the first of those cases, the panel found that the Complainant's activities were "internationally well-known among the relevant public". In the *Beacons AI Inc.* case, the

domain name and the Marks, but also by the use of color combinations on the Respondent's website that are very similar to those adopted by the Complainant on the Complainant's website (particularly, the Respondent's predominant use of white lettering on a blue background that is very similar to the shade of blue used on the Complainant's website). The Panel also notes that the Respondent's website is an English language website, and that a click-on icon on the Respondent's website would enable a site visitor to swap "USD" for the Respondent's cryptocurrency. Those factors suggest that a principal target audience for the Respondent's website was the United States online market, in which the Complainant is a substantial player.⁵

Having regard to those factors, the Panel concludes that the Respondent has not rebutted the Complainant's prima facie showing of "no rights or legitimate interests". The Panel therefore finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, the following circumstances, without limitation, are deemed (if found by the Panel to be present) to be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the holder has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trade mark or service mark or to a competitor of that complainant, for valuable consideration in excess of the holder's documented out-of-pocket costs directly related to the domain name; or
- (ii) the holder has registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the holder has engaged in a pattern of such conduct; or
- (iii) the holder has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the holder has intentionally attempted to attract, for commercial gain, Internet users to the holder's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation or endorsement of the holder's website or location or of a product or service on the holder's website or location.

In the present case, the Panel is of the view that the circumstances fall squarely within paragraph 4(b)(iv) of the Policy as set out above. The disputed domain name incorporates the Word Mark in full, and the Word Mark is easily recognizable within it. The Respondent has not attempted to show that she has any right or legitimate interest in the disputed domain name, and she has not denied that she knew of the Complainant and the Marks when she registered the disputed domain name. Indeed, the Respondent's emails and the color combinations on the Respondent's website are consistent with her copying both the Word Mark and some aspects of the Complainant's website. In doing that, the Respondent could not have failed to appreciate that her use of the Word Mark in the disputed domain name, and / or her adoption of the predominant "white lettering on blue" color scheme on the Respondent's website, would cause some Internet users to wrongly assume that the Respondent's website was operated or endorsed by the Complainant. The Panel is satisfied on the available record that that was probably her intention, and that she registered and

panel found that the Complainant had established common law rights in its ONLY FANS mark "worldwide by virtue of its continuous use of ONLY FANS from July 4, 2016". The panels' findings in those cases seem to be entirely consistent with the global nature of the Complainant's business, the very substantial number of fans and creators it now has registered through the Complainant's website, and the very substantial revenues the Complainant has been deriving from its business (as reported in its November 2023 Annual Return).

⁵The Complainant's Annual Report for its financial year ended 30 November 2023 included (in the Notes to Financial Statements) the following: "[...] The financial statements are presented in US Dollars, this being the currency of the primary economic environment of the Group [...]".

has used the disputed domain name in an attempt to divert Internet traffic to the Respondent's website by capitalizing on the widespread recognition of the Marks on the Internet.

The Respondent's registration and use of the disputed domain name has also clearly been for commercial gain. The Respondent's website was created to provide a platform for trade in a new cryptocurrency, and it is improbable that the Respondent would have embarked on such a venture if she did not intend to make money from it.

Applying the wording of subparagraph 4(b)(iv) of the Policy, the Respondent has, by using the disputed domain name, intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Marks as to the source, sponsorship, affiliation or endorsement of the Respondent's website or of the products marketed on the Respondent's website.

For the foregoing reasons, the Panel finds that the Complainant has established the third element of the Policy. In those circumstances, it is not necessary to make any findings on the other arguments made by the Complainant in the Complaint.

The Complainant has made out its case on each of the three elements to be proved under paragraph 4 (a) 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 <onlyfanstoken.online> be transferred to the Complainant.

/Warwick Smith/

Warwick Smith

Sole Panelist

Date: April 21, 2025