

## **ADMINISTRATIVE PANEL DECISION**

Fenix International Limited v. Zhichao

Case No. D2025-0806

### **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 Zhichao, China.

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

The disputed domain names <onlyfanpacks.com> and <onlyfanspack.com> (the "Disputed Domain Names") are registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 26, 2025. On February 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On February 28, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (REDACTED FOR PRIVACY, Super Privacy Service LTD) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 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 amended Complaint on March 5, 2025.

The Center verified that the Complaint together with the amended 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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 1, 2025.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on April 10, 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 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. EU 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. EU 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 Disputed Domain Names were registered on August 3, 2024. The Disputed Domain Names resolve to pay-per-click (PPC) links redirecting to commercial websites that offer adult 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 Names.

Notably, the Complainant contends that the Disputed Domain Names are identical or confusingly similar to the ONLYFANS Trademarks, as they consist of the Complainant’s trademarks with the only difference being the insertion of the descriptive term “pack” or “packs”, which does nothing to avoid any confusing similarity.

Then, the Complainant asserts that the Respondent has neither rights nor legitimate interests in the Disputed Domain Names. 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 Names or in any other manner. The Complainant adds that a disputed domain name comprising the complainant’s trademark and certain additional terms cannot constitute fair use, when doing so effectively impersonates or suggests sponsorship or endorsement by a complainant. 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.

Finally, the Complainant asserts that the Disputed Domain Names were registered and are used in bad faith by the Respondent. The Complainant first considers that the Disputed Domain Names were 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 bad faith registration should be found, since the Respondent used the ONLYFANS Trademarks and the additional terms “pack” and “packs” within the Disputed Domain Names, which enhances the likelihood of confusion. The Complainant considers that the Respondent registered the

Disputed Domain Names to divert Internet traffic from the Complainant's own websites to websites offering adult entertainment content and related adult entertainment services in direct competition with the Complainant's website. The Complainant adds that the Respondent is using the Disputed Domain Names 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 Names, because the Disputed Domain Names direct to a commercial website that offers adult entertainment content in direct competition with the Complainant's services. The Complainant finally highlights that the Respondent is a serial cyber squatter who repeatedly registers domain names that contain third party marks without authorization and that the Respondent is also the Respondent in scores of other WIPO cases which have transferred typo-squatted domain names.

## **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 <onlyfanspack.com>. Accordingly, the Disputed Domain Name <onlyfanspack.com> is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the mark is recognizable within the Disputed Domain Name <onlyfanpacks.com>. Accordingly, the Disputed Domain Name <onlyfanpacks.com> is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Despite an obvious misspelling, here the omission of the letter "s" at the end of the ONLYFANS Trademarks, the Complainant's Trademarks remain recognizable within the Disputed Domain Name <onlyfanpacks.com>. [WIPO Overview 3.0](#), section 1.9.

Although the addition of other terms here, the terms "pack" and "packs" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Names 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 Names. 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 Names 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 Names or in any other manner.

Moreover, the Respondent is using the Disputed Domain Names to host links to commercial websites that advertise goods and services in 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 Names 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 Names are confusingly similar to a widely known trademark, which creates a presumption of bad faith. In addition, the websites to which the Disputed Domain Names resolve host links to commercial websites that advertise goods and services in 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.

Finally, it appears that the Respondent is engaged in a bad faith pattern of typosquatting.

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 Names <onlyfanpacks.com> and <onlyfanspack.com> be transferred to the Complainant.

*/Christiane Féral-Schuhl/*

**Christiane Féral-Schuhl**

Sole Panelist

Date: April 24, 2025