

## **ADMINISTRATIVE PANEL DECISION**

Fenix International Limited v. Yolanda Brown  
Case No. D2025-1645

### **1. The Parties**

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

The Respondent is Yolanda Brown, U.S.

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

The disputed domain name <bokeponlyfans.fun> (the "Disputed Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 24, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 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 April 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 April 27, 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 May 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 22, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on May 23, 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 states that it “owns and operates the website located at the domain <onlyfans.com> and has used its domain for several years in connection with the provision of a social media platform that allows users to post and subscribe to audiovisual content on the World Wide Web”; and that its website “is one of the most popular websites in the world, with more than 305 million registered users.” The Complainant further states, and provides evidence in support thereof, that it is the owner of trademark registrations that consist of or contain ONLYFANS (the “ONLYFANS Trademark”) “in numerous foreign countries,” including the following:

- European Union Reg. No. EU017912377 for ONLYFANS (registered January 9, 2019) for use in connection with, inter alia, “providing entertainment services, namely, providing a website featuring non-downloadable video, photographs, images, audio, and text via a global computer network”
- United Kingdom Reg. No. UK00917946559 for ONLYFANS (stylized) (registered January 9, 2019) for use in connection with, inter alia, “Providing entertainment services, namely, providing a website featuring non-downloadable video, photographs, images, audio, and text via a global computer network”
- U.S. Reg. No. 5,769,267 ONLYFANS (registered June 4, 2019) for use in connection with, inter alia, “arranging subscriptions of the online publications of others.”

The Complainant also states that it owns common law rights to the ONLYFANS Trademark “that commenced by, at latest, July 4, 2016.”

The Disputed Domain Name was created on September 5, 2024. The Complainant states, and provides evidence in support thereof, that the Disputed Domain Name redirects to a website that “offers adult entertainment services in direct competition with Complainant’s services.”

#### **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:

- The Disputed Domain Name is identical or confusingly similar to the ONLYFANS Trademark because the Disputed Domain Name contains the ONLYFANS Trademark in its entirety plus the word “bokep,” which is the Indonesian word for “porn” and “does nothing to avoid confusing similarity.”
- The Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, the “Respondent has no connection or affiliation with Complainant and has not received any authorization, license, or consent, whether express or implied, to use the Marks in the Disputed Domain Name or in any other manner. Respondent is not commonly known by the Marks and does not hold any trademarks for the Disputed Domain Name”; “[n]o evidence indicates that Respondent is known by the text of the Disputed Domain Name”; “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 the complainant”; and “[u]sing 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.”

- The Respondent registered and is using the Disputed Domain Name in bad faith because, inter alia, “[p]revious panels have consistently found that 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 Disputed Domain Name “includes the complainant’s mark and an additional word that enhances the likelihood of confusion with the Complainant and thereby suggests that the website at the disputed domain name is authorized by the complainant” to “provide access to Complainant’s services” (citation and internal punctuation omitted); “Respondent registered the confusingly similar Disputed Domain Name to offer services in direct competition with the Complainant”; and Respondent did not respond to Complainant’s cease-and-desist letter.”

## **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.

Based on the registrations cited by the Complainant and the certificates of registration included as annexes, the Complainant has shown rights in respect of a trademark or service mark for purposes of the Policy, that is, the ONLYFANS Trademark. [WIPO Overview 3.0](#), section 1.2.1.

As set forth in [WIPO Overview 3.0](#), section 1.7, “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Here, the entirety of the ONLYFANS Trademark is reproduced within the Disputed Domain Name.

Further, although the addition of other terms (here, “bokep”) 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. As set forth in [WIPO Overview 3.0](#), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

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.

The Respondent is offering services in connection with the Disputed Domain Name that are the same as or similar to those offered by the Complainant in connection with the ONLYFANS Trademark. Such use cannot confer rights or legitimate interests on the Respondent, pursuant to the paragraph 4(c) of the Policy.

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 Complainant has stated (and provided evidence in support thereof) without any contradiction by the Respondent, that the Disputed Domain Name redirects to a website that "offers adult entertainment services in direct competition with Complainant's services."

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. One of those enumerated circumstances is whether the Respondent has used the disputed domain name to "intentionally attempt[] to attract, for commercial gain, Internet users to [a respondent's] web site... by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [a respondent's] web site..." Policy, paragraph 4(b)(iv).

Clearly, using a disputed domain name under the circumstances here, in connection with a website offering services similar to those associated with the relevant trademark, creates a likelihood of confusion under Policy, paragraph 4(b)(iv). See, e.g., *Arla Foods amba v. Juccho Holdings*, WIPO Case No. [D2006-0409](#) ("the practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith").

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 <bokeponlyfans.fun> be transferred to the Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: June 3, 2025