

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Erik Babich

Case No. D2025-1686

1. The Parties

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

The Respondent is Erik Babich, United States.

2. The Domain Names and Registrar

The disputed domain names <onlyfan.mom> and <onlyfan.tattoo> (individually, a "Domain Name," and, collectively, the "Domain Names") are registered with Porkbun LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 25, 2025. On April 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 28, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names that differed from the named Respondent ("Whois Privacy / Private by Design, LLC") and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 the same date.

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.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 20, 2025. In accordance with the Rules, paragraph 5, the due date for a Response was June 9, 2025. The Respondent sent an email communication to the Center on May 1, 2025. However, the Respondent did not file any formal response. Accordingly, the Center notified the commencement of panel appointment process on June 11, 2025.

The Center appointed A. Justin Ourso III as the panelist in this matter on June 16, 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

Fenix International Limited (the “Complainant”) operates a website at “www.onlyfans.com” providing a platform that allows users to post and subscribe to audiovisual content.

The Complainant owns a European Union registration, No. 017912377, for its ONLYFANS trademark, entered in the register on January 9, 2019, in Class 35 for “online subscription services for the purpose of allowing individuals to subscribe and access content uploaded by members of the service for sporting, fitness and entertainment purposes,” and for related goods and services in other classes; a corollary United Kingdom registration (issued after the United Kingdom withdrew from the European Union), No. UK00917912377, for its ONLYFANS trademark, entered in the register on January 9, 2019, in the same classes for the same goods and services; a United States registration for its ONLYFANS trademark, No. 5,769,267, issued on June 4, 2019, in Class 35 for “arranging subscriptions of the online publications of others;” and a United States registration for its ONLYFANS trademark, No. 6,253,455, issued on January 26, 2021, in Class 35 for similar online subscription services; in Class 41 for “entertainment services in the nature of a website featuring on-downloadable video, photographs, images, audio, and text through a website and via a global computer network in the field of adult entertainment,” and for related goods and services in these and other classes.

The Complainant owns the domain name <onlyfans.com>, registered on January 29, 2013, which resolves to its website, “www.onlyfans.com”, on which the Complainant has provided its subscription services and content since as early as July 4, 2016.

The Respondent registered the Domain Name <onlyfan.mom> on October 2, 2024, and the Domain Name <onlyfan.tattoo> on October 1, 2024, without authorization from the Complainant, using a privacy service. The Domain Names each redirects to the same site at “www.topadultorg”, the landing page for which asks the question: “Are you at least 18?” and provides a “yes” or “no” button. Clicking on the “yes” button redirects to another site, “www.adultchatnow.com”, which provides adult entertainment video content on the landing page and access to other content.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy to transfer the Domain Names, which it requested. Notably, the Complainant contends that its trademark is distinctive and acquired its distinctiveness well prior to the registration of the Domain Names; the Domain Names are confusingly similar to the Complainant’s trademarks; the Domain Names redirect to a website that offers adult entertainment services in competition with the Complainant’s services; the Respondent targeted the Complainant’s trademark to divert Internet traffic from the Complainant’s website to the Respondent’s website; and the Respondent did not respond to the Complainant’s demand letter.

B. Respondent

After the Complainant copied the Respondent on its email to the Center amending the Complaint to add the registrant, the Respondent replied to the email with an email to the Complainant’s representatives and the Center inquiring “What is the complaint even about?” After the Center notified the Respondent of the Complaint and the amendment to the Complaint, the Respondent did not submit an answer or submit any other response to the Complaint, as amended.

6. Discussion and Findings

A complainant must prove three elements to obtain relief: (i) the domain name is identical or confusingly similar to a trademark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in the domain name; and (iii) the respondent registered and is using the domain name in bad faith. Policy, paragraph 4(a).

A. Identical or Confusingly Similar

On the first element, a complainant must prove that (1) it has rights in a trademark and (2) the domain name is identical or confusingly similar to this trademark. Policy, paragraph 4(a)(i).

The Panel finds that the Complainant's registrations establish its trademark rights. [WIPO Overview 3.0](#), section 1.2.1.

The Domain Name <onlyfan.mom> is virtually identical to the trademark, the only difference being the deletion of the letter "s," which merely changes the term from a plural to a singular phrase. The Panel finds that this Domain Name is confusingly similar to the trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.8. Similarly, the Domain Name <onlyfan.tattoo> is virtually identical to the trademark, differing in the exact same way. The Panel finds that this Domain Name is confusingly similar to the trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.8. Panels disregard Top Level Domains when assessing confusing similarity. WIPO Overview, sections 1.11.1. and 1.11.2. Accordingly, the Panel concludes that the Complainant has proven the first element: the Domain Names are confusingly similar to a trademark in which it has rights.

B. Rights or Legitimate Interests

The Respondent has not claimed the existence of any circumstance under the Policy, paragraph 4(c), that demonstrates that a respondent has rights to, or legitimate interests in, a domain name. The Complainant, on the other hand, has shown that it established its trademark rights long before the Respondent registered the Domain Names, it has not authorized the Respondent to use its trademark, and the Respondent is not known by the mark. The Registrar identified the registrant by a name that does not resemble the Domain Names. This record shows prima facie that the Respondent lacks any rights or legitimate interests in the Domain Names under the Policy, paragraph 4(a)(ii), shifting the burden of production on this second element to the Respondent to come forward with relevant evidence proving rights or legitimate interests in the Domain Names. [WIPO Overview 3.0](#), section 2.1. The Respondent has not submitted any evidence to rebut the prima facie evidence.

Importantly, the Panel finds that the Domain Names redirect to a commercial website competing with the Complainant's website. This is not a bona fide commercial use, a noncommercial use, or a fair use of the Domain Names. To the contrary, the evidence shows an intended deceptive use for commercial gain. [WIPO Overview 3.0](#), section 2.5.3. Accordingly, the Panel concludes that the Complainant has proven, and the evidence demonstrates, the second element: the Respondent lacks rights or legitimate interests in the Domain Names.

C. Registered and Used in Bad Faith

The Policy provides that the following circumstance is "evidence of the registration and use of a domain name in bad faith: [. . .] by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site . . . , by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site." Policy, paragraph 4(b)(iv).

The Panel finds that the Complainant has proven that the Domain Names redirect to a website that competes directly with the Complainant by offering similar services for commercial gain. The Panel finds that the patterned use of the two Domain Names, registered on consecutive days, to lead consumers on the

Internet to a competing website is conclusive evidence that the Respondent must have been aware of the Complainant's trademarks, and of its rights in its marks, at the time that the Respondent registered the Domain Names; the Respondent's registration and use of the Domain Names targeted the Complainant's marks; and the Domain Names and the site are intended to attract, misleadingly and deceptively, customers and potential customers of the Complainant for the Respondent's commercial gain. [WIPO Overview 3.0](#), sections 3.1.4, 3.2.1, and 3.2.2. Additionally, the Respondent failed to respond to the Complainant's demand letter, and failed to respond to the Complaint.

These findings compel the Panel to conclude that the Respondent intentionally registered the Domain Names in bad faith to take unfair advantage of the Complainant's trademarks and that the Respondent is using the Domain Names in bad faith intentionally to attract Internet users to its site for commercial gain by creating a likelihood of confusion with the Complainant's trademarks as to the source of the site or the source of the goods and services offered on the site, in violation of the Policy, paragraph 4(b)(iv). Accordingly, the Panel concludes that the Complainant has proven the third element: the Respondent registered and is using the Domain Names in bad faith.

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 Domain Name <onlyfan.mom> and the Domain Name <onlyfan.tattoo> be transferred to the Complainant.

/A. Justin Ourso III/

A. Justin Ourso III

Panelist

Date: June 25, 2025