

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. supakorn srisawat
Case No. D2025-1731

1. The Parties

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

The Respondent is supakorn srisawat, Thailand.

2. The Domain Name and Registrar

The disputed domain name <thaionlyfansfree.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 April 30, 2025. On April 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 May 5, 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 May 5, 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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 31, 2025.

The Center appointed Christian Pirker as the sole 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

The Complainant, Fenix International Limited, owns and operates the domain name <onlyfans.com> and has used its domain name for many years in connection with the provision of a social media platform that allows Internet users to post and subscribe to audiovisual content on the Internet. It is a platform that empowers a diverse range of content creators to achieve their full potential, monetize their content, and develop authentic connections with their fans.

In providing its services, the Complainant has made extensive use of the ONLYFANS trademark.

The Complainant holds a portfolio of registrations for the trademark ONLYFANS in several countries and regions in the world. This portfolio includes among others registrations in the following jurisdictions:

- European Union registration No. 017912377, registered on January 9, 2019, for goods in class 9 and services in classes 35, 38, 41, and 42;
- United Kingdom registration No. 00917912377, registered on January 9, 2019, for goods in class 9 and services in classes 35, 38, 41, and 42; and
- United States registration No. 6253455, registered on January 26, 2021, for goods in class 9 and services in classes 35, 38, 41, and 42.

The Complainant also holds ONLYFANS.COM trademark, registered in the United States, No. 5769268, on June 4, 2019, for services in class 35.

The Complainant's trademark was considered in previous cases as having accrued and acquired distinctiveness (*Fenix International Limited v. Domain Admin, Beacons AI inc.*, WIPO Case No. [D2024-0113](#); *Fenix International Limited v. WhoisGuard, Inc., WhoisGuard Protected / Marry Mae Cerna*, WIPO Case No. [D2021-0327](#)) and that the ONLYFANS mark is internationally well known amongst the relevant public.

The Respondent is reportedly located in Thailand.

The disputed domain name was registered on October 23, 2024, and resolves to a website offering adult entertainment service, which pages contain also a logo highly similar to the Complainant's logo with the term "free".

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 sent a cease-and-desist letter to the Respondent through the email address included in the available Whois record for the disputed domain name. The Respondent has never responded.

The Complainant alleges that the disputed domain name directs to a commercial website that offers adult entertainment content in direct competition with the Complainant's services in the field of adult entertainment, including providing entertainment services in the nature of a website featuring non-downloadable video, photographs, images, audio.

The Complainant considers the disputed domain name to be confusingly similar to the ONLYFANS and the ONLYFANS.COM trademarks, as they consist of the Complainant's trademarks with the only difference being the insertion of the descriptive term "thai" and "free", which does not avoid any confusing similarity.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complainant, the Respondent has not used the disputed domain name in connection with a legitimate use. Also, according to the Complainant, the Respondent has not been commonly known by the disputed domain name and is in no way affiliated with the Complainant.

Finally, the Complainant claims that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the Respondent registered the disputed domain name with full knowledge of the reputation of the Complainant's trademark and the use of the disputed domain name is an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, affiliation, or endorsement of the disputed domain name.

Furthermore, the Complainant considers that it is more probable than not that the Respondent was fully aware of the Complainant and its ONLYFANS mark at the time of registration, which is further supported where the disputed website featured a logo that is similar to the Complainant's ONLYFANS logo. The Respondent's silence to the cease-and-desist letter is further evidence of its bad faith.

The Complainant requests the transfer of the disputed domain name.

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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Further, although the addition of other terms, here "thai" and "free" 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 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.

The Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Further, the Respondent, in not responding to the Complaint, nor to the cease-and-desist letter sent by the Complainant prior to the beginning of this procedure, has failed to invoke any of the circumstances which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain name (*WhatsApp LLC v. Registration Private, Domains By Proxy, LLC / shalih Irshad*, WIPO Case No. [D2022-2236](#)).

Pursuant to paragraph 14(b) of the Rules, the Panel shall draw any inferences from such default as it considers appropriate.

Since 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 Panel considers that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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 registered the disputed domain name, including the terms “thai” and “free” which describe the Onlyfans services which simultaneously suggest to users that the content at the disputed domain name is authorized free Thai-centric OnlyFans content. Further, the Respondent is using a logo that is very similar to the Complainant’s trademark on the webpage at the disputed domain name. Accordingly, it is most likely that the Respondent was aware of the Complainant’s trademarks at the time of registration.

Further, based on the facts submitted by the Complainant and according to previous UDRP cases, the Panel accepts that the trademark ONLYFANS is prima facie well known, such finding remains in view of the absence of a Response (see *Birkenstock Orthopädie GmbH & Co. KG v. Chen Yanbing*, WIPO Case No. [D2010-0746](#)). It is a well-established principle that registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark by any entity that does not have a relationship with that trademark or its owner can by itself create a presumption of bad faith (see [WIPO Overview 3.0](#) section 3.1.4).

The Panel considers that the Respondent registered the disputed domain name with full knowledge of the Complainant's well-known trademark, particularly considering the reputation of the Complainant's mark and since the trademark is included in its entirety supplemented by the additional terms "thai" and "free" which – as stated above – enhances the likelihood of confusion by suggesting to users that the content at the disputed domain name is authorized free content of the Complainant. Accordingly, the above proves that it is inconceivable that the Respondent was not aware of the Complainant's trademark when registering the disputed domain name.

The Respondent used a privacy service provider, to register the disputed domain name, which may constitute a factor indicating bad faith. See section 3.6 of the [WIPO Overview 3.0](#).

In the present case, the Panel finds that the disputed domain name was registered and is being used in bad faith. The disputed domain name directs to a commercial website that uses a logo which is very similar to the Complainant's logo and offers adult entertainment content in direct competition with the Complainant's services, including providing entertainment services in the nature of a website featuring non-downloadable video, photographs, images, audio, and in the field of adult entertainment. As such, the Respondent is using the disputed domain name in bad faith.

The Panel considers that the Respondent's primary motive in relation to the registration and use of the disputed domain name was to capitalize on, or otherwise take advantage of, the Complainant's trademark rights, by creating a likelihood of confusion with the Complainant's mark with the intent to unlawfully profit therefrom (see *Arla Foods Amba v. Michael Guthrie, M. Guthrie Building Solutions*, WIPO Case No. [D2016-2213](#)). Accordingly, it is the Panel's view that the Respondent's use is an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, affiliation, or endorsement of the disputed domain name. [WIPO Overview 3.0](#), section 3.1.4.

Moreover, the failure of any response, the use of incomplete physical address making it impossible or difficult to reach the Respondent by courier, the use of the Complainant's trademark and a logo that is very similar to the Complainant's logo on the site supports also a finding of 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 <thaionlyfansfree.com> be transferred to the Complainant.

/Christian Pirker/

Christian Pirker

Sole Panelist

Date: June 30, 2025