

ADMINISTRATIVE PANEL DECISION

Fenix International Limited c/o Walters Law Group v. khai nguyen
Case No. D2025-1746

1. The Parties

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

The Respondent is khai nguyen, Viet Nam.

2. The Domain Names and Registrar

The disputed domain names <sexonlyfans.org> and <sexonlyfans.pro> are registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 1, 2025. On May 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 2, 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 Purposes, 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 6, 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 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2025.

The Center appointed David Stone as the sole panelist in this matter on June 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>. The Complainant has used the <onlyfans.com> domain name for several years in connection with the provision of a social media platform that allows users to post and subscribe to audiovisual content. The website at <onlyfans.com> has more than 305 million registered users.

The Complainant owns, among others, the following registered trademarks (the “Mark”):

- ONLYFANS: European Union trademark registration no. 17912377 registered on January 9, 2019, in International Classes 9, 35, 38, 41 and 42;
- ONLYFANS: United Kingdom trademark registration no. 917912377 registered on January 9, 2019, in International Classes 9, 35, 38, 41 and 42; and
- ONLYFANS: US trademark registration no. 5769267 registered on June 4, 2019, in International Class 35.

The Complainant registered its <onlyfans.com> domain name on January 29, 2013.

The disputed domain names <sexonlyfans.org> and <sexonlyfans.pro> were each registered on November 8, 2024, within a minute of each other. The disputed domain names are both registered to “khai nguyen”. The disputed domain name <sexonlyfans.org> redirects to a third-party website, and the disputed domain name <sexonlyfans.pro> hosts a website, each displaying sexually explicit content.

On March 11, 2025, the Complainant sent letters to the Respondent demanding that the Respondent stop using and cancel the disputed domain names. The Respondent did not respond.

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.

The Complainant contends that, under the first element, the disputed domain names are identical or confusingly similar to the Marks. The disputed domain names include the Mark after the descriptive term “sex” which does nothing to avoid confusing similarity. The addition of a generic Top-Level Domain does not change the result.

Under the second element, the Complainant contends 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 Mark within the disputed domain names or in any other manner. The Respondent is not commonly known by the Marks and does not hold any trademarks for the disputed domain names. The Complainant also contends that the Respondent cannot claim the right to use the disputed domain names under fair use because they each include the Mark and the additional term “sex”, which creates a risk of implied affiliation given the oft-times sexual content on the Complainant’s platform. The Complainant further contends that the Respondent’s websites at the disputed domain names offer adult entertainment services, including unauthorized use of content from the Complainant’s users, in direct competition with the Complainant’s services.

Under the third element, the Complainant contends that the disputed domain names were registered long after the Complainant attained registered and common law rights in the Marks. The Marks have been recognized in numerous previous UDRP proceedings as internationally well known amongst the relevant public. The Complainant also contends that the Respondent registered the disputed domain names to target the Marks. The additional word “sex” enhances the likelihood of confusion with the Complainant and suggests that the websites at the disputed domain names are authorized by the Complainant. The Respondent’s failure to respond to the Complainant’s cease-and-desist letters is further evidence of bad faith. The Complainant further contends that the Respondent is intentionally using the disputed domain names to attract, for commercial gain, Internet users to the Respondent’s websites by creating a likelihood of confusion with the Marks as to the source, affiliation or endorsement of the disputed domain names, in direct competition with the Complainant.

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 Mark and the disputed domain names. 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 names. Accordingly, the disputed domain names are confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “sex”, 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 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 that 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.

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: (i) registered the confusingly similar disputed domain names; and (ii) the disputed domain names resolve/redirect to websites offering adult entertainment services in competition with the Complainant.

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. Particular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include (i) the nature of the domain name (e.g., a domain name incorporating the complainant's mark plus an additional term such as a descriptive term, or one that corresponds to the complainant's area of activity); (ii) the content of any website to which the domain name directs; (iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name; and (iv) other indicia generally suggesting that the respondent had somehow targeted the complainant.

[WIPO Overview 3.0](#), section 3.2.1.

Panels have found that evidence of a respondent seeking to cause confusion supports a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that, given the Complainant's Marks are well known and registered in Europe and the US, on the balance of probabilities, the Respondent did not independently come up with the term "onlyfans" and knew or should have known about the Complainant's rights when registering the disputed domain names.

The Panel also finds that the Respondent's websites at the disputed domain names are in direct competition with the Complainant's business. The Respondent has no rights or legitimate interests for the reasons already given, and the Panel finds that the Respondent has provided no credible explanation for its choice of the domain names, which appear to target the Complainant, and none is apparent to the Panel.

Further, the Respondent has not attempted to refute any of the Complainant's contentions, which casts additional doubt on the nature of its conduct. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent, in choosing and using the disputed domain names, were aimed at attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's Marks. The Panel therefore concludes that the disputed domain names were registered and are being used 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 names <sexonlyfans.org> and <sexonlyfans.pro> be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: June 17, 2025