

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Asiri Muhudugama
Case No. D2025-1795

1. The Parties

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

The Respondent is Asiri Muhudugama, Sri Lanka.

2. The Domain Name and Registrar

The disputed domain name <onlyfansalbum.com> is 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 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 7, 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, 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 7, 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 7, 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 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2025.

The Center appointed Charles Gielen as the sole panelist in this matter on June 4, 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 multiple 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. The website hosted at the domain name currently has more than 305 million registered Internet users.

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

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

- 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. 5769267, registered on June 4, 2019, for services in class 35.

The disputed domain name was registered on November 18, 2024 and resolves to a website offering adult entertainment services, including content possibly pirated from users of the website of the Complainant.

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 confusingly similar to the Complainant's trade mark. It contains the exact trade mark of the Complainant with the only difference being the insertion of the descriptive term "album" after this mark. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, the addition of such an element does not prevent the finding of confusing similarity. The applicable generic Top-Level Domain ("gTLD") in a domain name is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trade mark.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant gives several reasons for this. First, 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 trade mark in the disputed domain name or in any other manner. Second, the Respondent is not commonly known by the trade mark and does not hold any trade marks for the disputed domain name. Third, since the disputed domain name consists of the trade mark ONLYFANS with the addition of the term "album", a risk of implied affiliation is created by suggesting to users that the content on the website under the disputed domain name is an authorized "album" of ONLYFANS pictures and videos. In this case, the website at the disputed domain name offers adult entertainment services (including content pirated from the Complainant's users) in direct competition with the Complainant's services. Such use can never create any legitimate interests in the disputed domain name.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith.

With respect to the registration, the Complainant asserts that the Respondent registered the disputed domain name with full knowledge of the Complainant's trade mark and business activities, given that the Complainant's trade mark registrations precede the registration of the disputed domain name that is confusingly similar to the Complainant's widely known trade mark, ONLYFANS. According to the Complainant, bad faith registration should be found since the Respondent used the Complainant's ONLYFANS trade mark and the additional term "album" within the disputed domain name with the result that the likelihood of confusion will be enhanced. Furthermore, the Respondent registered the confusingly similar disputed domain name to offer services in direct competition with the Complainant (including content pirated from the Complainant's users), including providing entertainment services in the nature of a website featuring non-downloadable video, photographs, images, audio, and in the field of adult entertainment. Also, the Complainant sent a cease-and-desist letter to the Respondent on March 11, 2025, but the Respondent failed to respond. The Complainant alleges that this failure to respond further supports the assertion of bad faith registration. Finally, additional evidence of a bad faith registration can be drawn from the fact that the Respondent registered the disputed domain name under a privacy shield.

According to the Complainant, bad faith use of the disputed domain name follows from the fact that the disputed domain name directs to a commercial website that offers adult entertainment content (including content pirated from the Complainant's users) in direct competition with the Complainant's services as well as from the fact that no reply was given to a cease-and-desist letter and that the registration of the disputed domain name was done under a privacy shield.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of trade marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trade mark. It contains the words "onlyfans" and the only difference between the disputed domain name and the Complainant's trade mark is that the disputed domain name has the additional term "album." This difference does not prevent the finding of confusing similarity between the trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

Therefore, the requirement under paragraph 4(a)(i) of the Policy is met.

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.

First, the Respondent did not show that it owns any rights to the name "onlyfansalbum" nor that it has any license from the Complainant to use its trade mark ONLYFANS. Second, the Respondent did not argue that it is commonly known, or that it has ever been known under the name "onlyfansalbum". Furthermore, the Panel did not find any evidence that the Respondent has used, or prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the disputed domain name directs to a website offering services in direct competition with the Complainant which includes content possibly pirated from users of the Complainant. Such activities can never be a bona fide offering of goods or services and do not create any rights or legitimate interests in 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 has intentionally attempted to attract, for commercial gain, Internet users to its website accessed via the disputed domain name by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of its website. The Panel is of the opinion that the Complainant showed that the Respondent is using the disputed domain name for unlawful purposes by creating a website on which services are offered in direct competition with the services offered by the Complainant. On the Respondent's website content (including photographs and video's) has been possibly pirated from users of the Complainant. The bad faith intentions of the Respondent also follow from the fact that the Respondent did not file any response.

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 <onlyfansalbum.com> be transferred to the Complainant.

/Charles Gielen/

Charles Gielen

Sole Panelist

Date: June 12, 2025