

## **ADMINISTRATIVE PANEL DECISION**

Fenix International Limited v. LUIZ ALMEIDA, LUIZ ALMEIDA  
Case No. D2025-2019

### **1. The Parties**

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

The Respondent is LUIZ ALMEIDA, LUIZ ALMEIDA, Brazil.

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

The disputed domain name <favonlyfans.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 21, 2025. On May 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 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 26, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2025. The Respondent sent an email communication to the Center on May 30, 2025, together with an attached Response. On June 4, 2025, the Center sent an email to the Parties regarding possible settlement. On the same day, the Complainant informed the Center that it does not wish to suspend the proceeding.

The Center appointed Karen Fong as the sole panelist in this matter on June 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 owns and operates the website located at the domain name <onlyfans.com>. Created in 2016, the website is a social media platform that allows users to post and subscribe to audiovisual content. In 2025, the “www.onlyfans.com” website has more than 305 million registered users.

The Complainant has registered rights in the trade marks ONLYFANS and ONLYFANS.COM in many jurisdictions including the following:

- European Union (“EU”) Trade Mark Registration No. 017912377 for ONLYFANS registered on January 9, 2019;
- United States Trade Mark Registration No. 5769267 for ONLYFANS registered on June 4, 2019;
- United States Trade Mark Registration No. 5769268 for ONLYFANS.COM registered on June 4, 2019;

(individually and collectively referred to as the “Trade Mark”).

The Respondent, who is based in Brazil, registered the disputed domain name on August 13, 2024. The disputed domain name resolved to a website with the heading “Fav Onlyfans- Hottest Onlyfan’s Girls”. The website appears to offer users the ability to create an “OnlyFans girl” using artificial intelligence – promoted with the caption, “Create your own onlyfans girl with AI and make she [sic] do anything you want” (the Website). Other descriptions on the Website suggests that its primary purpose is the generation of AI-based adult content.

Before filing the Complaint, the Complainant sent a cease-and-desist letter to the Respondent through the Registrar on January 23, 2025. No response was received. Since the commencement of the proceedings, the Website to which the disputed domain name resolves has been changed so that the heading reads “Fav Only AI Fans” with the tagline “Create and customize your personal AI virtual fan!”. Under the “Frequently Asked Questions” section, the Website is described as a platform where you can create and customize your own AI-powered virtual fan with personalized looks and personality.

#### **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 Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

The Respondent contends as follows:

1. The disputed domain name has been continuously used in good faith as an independent commercial website offering AI-generated virtual companions under the brand “Fav Only AI Fans”, which is distinct from the Trade Mark;

2. He denies any bad faith, intention to mislead consumers or create customer confusion. The Website and branding clearly differentiated it as an independent service;
3. Upon notification of the dispute, he promptly took measures to dissociate the Website's branding from the Trade Mark, demonstrating good faith and respect for the Complainant's trade mark rights;
4. He was open to engaging in good faith negotiations for the transfer of the disputed domain name and seeking a fair and amicable resolution to the matter.

## **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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the term, "fav" before the Trade Mark in the disputed domain name 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 Trade Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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.

While 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 often impossible 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. 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 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 failed to rebut the Complainant's prima facie showing. While the Respondent appears to claim rights in a purported brand "Fav Only AI Fans", this assertion is entirely conclusory and unsupported by any evidence. In any event, the disputed domain name does contain the term "AI". The Respondent has provided no relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

To the contrary, when filing of the Complaint, the disputed domain name resolved to a website with the heading "Fav Onlyfans- Hottest Onlyfan's Girls". The Website appears to offer users the ability to create an "OnlyFans girl" using artificial intelligence – promoted with the caption, "Create your own onlyfans girl with AI

and make she [sic] do anything you want". Panels tend to assess claimed respondent rights or legitimate interests in the present, i.e., with a view to the circumstances prevailing at the time of the filing of the complaint. [WIPO Overview 3.0](#), section 2.11. The Respondent's use of the disputed domain name at the time of filing of the Complaint clearly indicates the Respondent's intention to capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.

Moreover, the nature of the disputed domain name is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. The inclusion of the term "fav" – a common abbreviation for "favorite" immediately preceding the Trade Mark in the disputed domain name gives the false impression of an official fan-based promotion or endorsement operated or authorised by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel further notes that the Respondent's claim to a "brand" appears to be a transparent and unsubstantiated attempt to manufacture a defence after the commencement of these proceedings. It lacks both credibility and any supporting evidence.

Based on the available record, 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 must have been aware of the Trade Mark when he registered the disputed domain name given the reputation of the Trade Mark. It is therefore implausible that the Respondent was unaware of the Complainant when he registered the disputed domain name.

Further the Respondent makes direct reference to the Trade Mark – "OnlyFans girl" in the iteration of the Website prior to the commencement of the proceedings which is clear evidence of his knowledge of the Trade Mark.

In the [WIPO Overview 3.0](#), section 3.2.2 states as follows:

"Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the disputed domain name without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain name is also being used in bad faith.

The Respondent was operating a website which was clearly targeting the Complainant's brand and reputation. The Website originally featured the heading "Fav Onlyfans – Hottest Onlyfan's Girls" and offered users the ability to "create your own OnlyFans girl with AI and make she [sic] do anything you want," clearly invoking the Complainant's name to promote AI-generated adult content. This not only trades off the Complainant's goodwill but also falsely suggests affiliation or endorsement.

The fact that the Respondent ignored and failed to respond to a cease-and-desist letter sent via the Registrar on January 23, 2025, and then modified the Website after the commencement of these proceedings—changing the branding to “Fav Only AI Fans” and recasting the service in more neutral terms—further supports a finding of bad faith. These changes appear to be an attempt to obscure the true nature of the Website and to retroactively manufacture a defence. Such conduct is indicative of a deliberate attempt to exploit the Complainant’s mark for commercial gain while avoiding accountability and strongly supports a finding of bad faith under paragraph 4(b) of the Policy.

The Website has been set up for the commercial benefit of the Respondent. It is highly likely that Internet users when typing the disputed domain name into their browser, or finding it through a search engine would have been looking for a site operated by the Complainant rather than the Respondent. The disputed domain name is likely to confuse Internet users trying to find the Complainant’s website. Such confusion will inevitably result due to the fact that the disputed domain name comprises the Complainant’s distinctive Trade Mark.

The Respondent employs the reputation of the Trade Mark to mislead users into visiting the disputed domain name instead of the Complainant’s. From the above, the Panel concludes that the Respondent intentionally attempted to attract for commercial gain, by misleading Internet users into believing that the Respondent’s Website is that of or authorised or endorsed by the Complainant.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith under paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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 <favonlyfans.com> be transferred to the Complainant.

*/Karen Fong/*

**Karen Fong**

Sole Panelist

Date: July 8, 2025