

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Wasiur Kiron

Case No. D2025-2737

1. The Parties

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

The Respondent is Wasiur Kiron, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <onlyfanplus.xyz> is registered with Hostinger Operations, UAB, Lithuania (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2025. On July 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 14, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 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 July 14, 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 July 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 5, 2025.

The Center appointed Teruo Kato as the sole panelist in this matter on August 7, 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

According to the Complainant, the Complainant owns and operates the website located at the domain name <onlyfans.com> and has used its 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 on the World Wide Web. It contends that in 2025 the domain name <onlyfans.com> is one of the most popular websites in the world, with more than 305 million registered users.

The Complainant also contends that it owns various word and figurative ONLYFANS trademark registrations around the world. According to the provided documents in the case, the Complainant is, among others, the registered owner of the European Union Trademark Registration No. 017912377, registered on January 9, 2019, for ONLYFANS, in Classes 9, 35, 38, 41 and 42, as well as the United Kingdom Trademark Registration No. UK00917912377, registered on January 9, 2019, for ONLYFANS, in Classes 9, 35, 38, 41 and 42.

The Respondent is reportedly located in Bangladesh.

The disputed domain name was registered on February 28, 2025.

According to the Complainant, the website at the disputed domain name offers adult entertainment services in direct competition with the Complainant's services.

On April 16, 2025, the Complainant's lawyers sent a cease-and-desist email, addressed to "Registrant of onlyfanplus.xyz", but no response was received.

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.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

(1) Preliminary Issues

Paragraph 14 of the Rules provides that (a) in the event that a Party, in the absence of exceptional circumstances, does not comply with any of the time periods established by the Rules or the Panel, the Panel shall proceed to a decision on the complaint; and that (b) if a Party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules or any request from a Panel, the Panel may draw such inferences therefrom as it considers appropriate.

The Panel notes that section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states:

Noting the burden of proof on the complainant, a respondent's default (i.e., failure to submit a formal response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

In cases involving wholly unsupported and conclusory allegations advanced by the complainant, or where a good faith defense is apparent (e.g., from the content of the website to which a disputed domain name resolves), panels may find that – despite a respondent's default – a complainant has failed to prove its case.

Further to paragraph 14(b) of the UDRP Rules however, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent.

(2) Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed 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 respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 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.

In the present case, with the exception of "s" located at its end, the entirety of the ONLYFANS mark is reproduced within the disputed domain name.

The Panel finds the mark is recognizable 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.

Although the addition of other terms here, "plus", 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 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 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.

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.

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

In the present case, the Complainant contends:

“Here, the website at the Disputed Domain Name offers adult entertainment services in direct competition with 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. (See Annex D)”

At present, however, the disputed domain name resolves to a parking page with the Registrar, with text messages such as “Happy to see your domain with Hostinger!” and “Your domain is active and is using Hostinger nameservers. Take the recommended steps below to continue your journey with Hostinger.” This contradicts with the evidence submitted by the Complainant.

In this connection, the Panel notes that section 4.8 of the [WIPO Overview 3.0](#) states:

Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

This may include visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name, consulting historical resources such as the Internet Archive (www.archive.org) in order to obtain an indication of how a domain name may have been used in the relevant past, reviewing dictionaries or encyclopedias (e.g., Wikipedia), or accessing trademark registration databases.

Accordingly, the Panel conducted a search on the Wayback Machine operated by the Internet Archive, the result of which showed that “Saved 2 times between March 21, 2025 and July 10, 2025”. It provided with a screenshot purported to be of March 21, 2025, and its contents are largely in conformity with the evidence submitted by the Complainant.

In the circumstances, the Panel is satisfied that the evidence submitted by the Complainant, which is corroborated by the Wayback research as above, demonstrates how the disputed domain name was used at the relevant times for the purpose of the present proceedings. It follows that there would be no need for the Panel to consider the current “parking” of the disputed domain name under the doctrine of passive holding.

The Panel examined the evidence submitted by the Complainant, which contains three photographs of female figures dressed, but the Panel finds nothing pornographic as might be expected from the Complainant’s description of “adult entertainment services”.

The Panel also notes that the said webpage states “OnlyFan Plus” prominently at the top of its page. The Panel finds that this could be interpreted as an attempt by the Respondent to give an impression to the visitors that it is offering a premium version of the Complainant’s “OnlyFans” services.

The Panel further notes that the evidence also shows a picture sign of “\$20 amazon.com gift card”, accompanied by a text “Get \$20 Gift Card”. The Panel finds that this indicates that the Respondent was using this website “for commercial gain” within the meaning of Paragraph 4(b)(iv) of the Policy.

Taking all matters into consideration, the Panel is satisfied that the Respondent is using the disputed domain name in order to generate traffic to its own website by misleading internet visitors by creating a likelihood of confusion as to its source, affiliation or endorsement with the Complainant, set out in Paragraph 4(b)(iv) of the Policy. The Panel observes that this finding “shall be evidence of the registration and use of a domain name in bad faith”. Paragraph 4(b) of the Policy.

The Panel also finds the failure of the Respondent to respond to the Complainant’s cease-and-desist email of April 17, 2025, and to the Complainant’s contentions in these proceedings, as further possible indication 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 <onlyfanplus.xyz> be transferred to the Complainant.

/Teruo Kato/

Teruo Kato

Sole Panelist

Date: August 10, 2025