

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Barbara Smith
Case No. D2025-4073

1. The Parties

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

The Respondent is Barbara Smith, United States.

2. The Domain Name and Registrar

The disputed domain name <onlyfans9.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 6, 2025. On October 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 8, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 8, 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 October 8, 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 October 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 31, 2025. Due to an administrative oversight, on November 7, 2025, the Center sent an email communication granting the Respondent a five-day period until November 12, 2025, to indicate whether it wished to participate in this proceeding. The Respondent did not file a Response.

The Center appointed Dennis A. Foster as the sole panelist in this matter on November 17, 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 registered the domain name <onlyfans.com> in 2013 and has since used that platform to allow users the ability to post and subscribe to audiovisual adult entertainment content over the Internet. The website attached to that domain name has more than 300 million users worldwide. In connection with the services that it offers, the Complainant has registered its ONLYFANS service mark with authorities in multiple jurisdictions, including the European Union Intellectual Property Office, the United Kingdom Intellectual Property Office, and the United States Patent and Trademark Office (“USPTO”). The Complainant has registered the ONLYFANS.COM and ONLYFANS service marks with the USPTO at Registration No. 5,769,268 and 5,769,267 respectively; both registered on June 4, 2019, International Class 35 for arranging subscriptions to the online publications of others.

The Respondent owns the disputed domain name, <onlyfans9.com>, which was registered on May 15, 2025. Containing logos identical to those on the Complainant’s primary website, the website connected to the disputed domain name offers adult entertainment videos, photographs and images just as the Complainant does at its main website.

The Complainant sent the Respondent a cease-and-desist email on July 22, 2025, but according to the Complaint the Respondent did not respond.

5. Parties’ Contentions

A. Complainant

- The disputed domain name, <onlyfans9.com>, is confusingly similar to the Complainant’s service marks, ONLYFANS and ONLYFANS.COM, which were registered and used extensively prior to the Respondent’s registration of the disputed domain name. The minor distinction between the disputed domain name and the Complainant’s marks is the inclusion of the number “9” which is not meaningful in any way.

- The Complainant has achieved global commercial success in a relatively short time and has not authorized or licensed the use of its marks by the Respondent in any manner. There is no evidence that the Respondent is commonly known by the disputed domain name. Moreover, the website attached to the disputed domain name contains logos identical to those used by the Complainant and presents adult pornographic material that competes directly with the Complainant’s offerings, all of which fails to provide the Respondent with rights or legitimate interests in the disputed domain name.

- Given the international recognition of the Complainant’s marks, it is clear that the Respondent’s registration of the confusingly similar disputed domain name was made in bad faith. Furthermore, the Respondent’s failure to respond to the Complainant’s cease-and-desist letter provides still more evidence of that bad faith. Also, the use of the disputed domain name to present commercial services competitive with the Complainant’s offerings is consistent with bad faith use of the disputed domain name as delineated under the Policy.

B. Respondent

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

6. Discussion and Findings

Under Policy paragraphs 4(a)(i) - (iii), the Panel may find for the Complainant and order a transfer of the disputed domain name, <onlyfans9.com>, should the Complainant prove that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has provided pertinent evidence that it has registered its ONLYFANS.COM and ONLYFANS service marks with the USPTO, and thus the Panel finds that the Complainant has satisfied Policy paragraph 4(a)(i) with respect to these marks. See, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1; and *MultiCare Health System v. Margo Sobol*, WIPO Case No. [D2012-2348](#) ("The Panel finds that Complainant's rights in its MULTICARE family of marks are established through its USPTO registrations for the purposes of Paragraph 4(a)(i) of the Policy.").

The Panel determines that the Complainant's marks are recognizable within the disputed domain name. Since the addition of the number "9" is insignificant in this appraisal under the Policy, the Panel finds that the disputed domain name is confusingly similar to the Complainant's mark. See, [WIPO Overview 3.0](#), section 1.8; and *Fenix International Limited v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Leon Key*, WIPO Case No. [D2021-3132](#).

Accordingly, the Panel finds that the Complainant has proved the first element of the Policy.

B. Rights or Legitimate Interests

The Policy places on a complainant the burden of proving that a respondent lacks rights or legitimate interests in a disputed domain name, but given the difficult task of "proving a negative," if a complainant makes out a prima facie case that a respondent lacks those rights or legitimate interests, the burden of production then shifts to the respondent to come forward with relevant evidence demonstrating such rights or legitimate interests. See, [WIPO Overview 3.0](#), section 2.1; and *Stoxx AG v. 247 Holdings Group*, WIPO Case No. [D2012-1582](#) ("It is a consensus view under the UDRP that it is sufficient for the Complainant to make a prima facie showing that the Respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the Respondent.").

Having reviewed the available record, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's service mark and asserted clearly that it has not authorized or licensed the Respondent to use that mark in any capacity. Therefore, the Panel finds that a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name has been established.

Failing to file a Response, the Respondent has not directly rebutted the Complainant's prima facie showing, but the Panel will examine the record to determine whether such a rebuttal might still be in order. In doing so, the Panel will accept all reasonable and sustainable evidence presented in the Complaint as true. See, *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#) ("The Respondent has not submitted a response to the Complaint, in the absence of which the Panel may accept all reasonable inferences and allegations in the Complaint as true.").

The Complainant has established that the disputed domain name is connected to a website that offers Internet users access to various adult entertainment material, which places it in competition with the offerings of the Complainant. Such use of the disputed domain name fails to constitute "a bona fide offering of goods

or services” pursuant to Policy paragraph 4(c)(i). See, *Fenix International Limited v. Registration Private, Domains By Proxy, LLC. / Jason Douglas*, WIPO Case No. [D2021-0829](#) (“The Respondent’s use of the confusingly similar Domain Name for a website offering services in direct competition with the services offered by the Complainant and its users does not amount to use for a bona fide offering of goods and services.”). Moreover, there is no reason for the Panel to believe that the Respondent, Barbara Smith, is commonly known as the disputed domain name, <onlyfans9.com>, meaning that paragraph 4(c)(ii) of the Policy is inapplicable as well. Finally, as the indisputable evidence supplied by the Complainant attests to the fact that the Respondent is using the disputed domain name for commercial gain, the Panel finds that Policy paragraph 4(c)(iii), calling for “a noncommercial or fair use” of the disputed domain name, also does not apply in this case.

Therefore, the Panel concludes that the Respondent has failed to rebut the Complainant’s prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

As a result, the Panel finds that the Complainant has proved the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b)(iv) of the Policy stipulates a certain, if non-exhaustive, circumstance by which a UDRP panel may find that a disputed domain name was registered and is being used in bad faith as follows:

(iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] web site or location or of a product or service on [respondent’s] web site or location.

In this case, the Panel has found that not only is the disputed domain name confusingly similar to the Complainant’s duly registered service mark, but that the website attached to the disputed domain name is adorned with the same logos used by the Complainant at its primary website. Moreover, the Panel has determined that said website offers for sale adult entertainment content that is directly competitive with that offered by the Complainant at its primary website. Consequently, the Panel finds that the Respondent is attempting to attract, for commercial gain, Internet users to the Respondent’s website by creating the likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of the Respondent’s website in violation of Policy paragraph 4(b)(iv). See, [WIPO Overview 3.0](#), section 3.1.4; and *Fenix International Limited v. Domain Administrator, See PrivacyGuardian.org / Kelly Smit, onlyfansleak and Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Robert Sceán*, WIPO Case No. [D2021-2706](#) (“...the Domain Names were used to create the Websites, offering similar services to those of Complainant [...] The Domain Names operated therefore by intentionally creating a likelihood of confusion with Complainant’s trademark and business as to the source, sponsorship, affiliation or endorsement of the websites they resolved to.”).

As reasoned above, the Panel finds that the Complainant has proved 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, <onlyfans9.com>, be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: December 1, 2025