

ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. Super Privacy Service LTD c/o Dynadot / lin yanxiao
Case No. D2022-0482

1. The Parties

The Complainant is LPL Financial LLC, United States of America, represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Super Privacy Service LTD c/o Dynadot, United States of America / lin yanxiao, China.

2. The Domain Name and Registrar

The disputed domain name <lpmyaccountview.com> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2022. On February 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 14, 2022, 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 amended Complaint on February 17, 2022.

The Center verified that the Complaint together with the amended 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 February 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 14, 2022.

The Center appointed Federica Togo as the sole panelist in this matter on March 23, 2022. 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 is the registered owner of trademarks consisting of or containing the term LPL, e.g., United States Trademark Registration No. 1801076, LPL, registered on October 26, 1993 for “Financial management services” in class 36.

In addition, the disputed domain name was registered on December 20, 2021. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolved to a parking page displaying Pay-Per-Click (PPC) links to various third-party goods and services and including a link at the bottom indicating that the disputed domain name is available for sale. This link redirects Internet users to a sale listing on the domain name sales platform Dan.com.

5. Parties' Contentions

A. Complainant

It results from the Complainant's undisputed allegations that it was founded in 1989 through the merger of two brokerage firms – Linsco and Private Ledger. It is one of the leaders in the retail financial advice market and is considered one of the largest independent broker-dealers in the United States of America. It serves independent financial advisors and financial institutions, providing them with the technology, research, clearing and compliance services, and practice management programs they need to create and grow their practices. It enables them to provide objective guidance to millions of families throughout the United States of America seeking wealth management, retirement planning, financial planning and asset management solutions. Since 2010, it has been publicly traded on the NASDAQ. Furthermore, it provides an integrated platform of brokerage and investment advisory services to more than 19,100 financial professionals and approximately 800 financial institutions, managing over USD 1.1 trillion in advisory and brokerage assets. The Complainant has over 4,800 employees, with its primary offices in San Diego, California; Fort Mill, South Carolina; Boston, Massachusetts and Austin, Texas. In addition, the Complainant provides a consumer-facing product under the name “LPL Account View”, which is a web-based platform that allows the Complainant's advisors to give their clients access to a timely, accurate snapshot of their portfolio. Clients can view portfolio values, account balances, deposits and withdrawals, and investment returns via the Complainant's secure, 24-hour accessible online platform.

The Complainant owns many domain names consisting of or containing “LPL”, including <lpl.com>, registered in 1994, from which it operates its main corporate website.

The Complainant contends that its trademark LPL is well known in the context of the financial-services sector.

The Complainant further contends that the disputed domain name is confusingly similar to the Complainant's LPL registered trademark, since it comprises such trademark in its entirety as its leading element. The addition of the words “My Account View” to the Complainant's LPL trademark in the disputed domain name does not prevent a finding of confusing similarity, since the Complainant's trademark remains clearly recognizable in the disputed domain name. In fact, the confusing similarity between the disputed domain name <lplmyaccountview.com> and the Complainant's trademark is reinforced by the direct reference to the Complainant's LPL Account View product.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent has not received any license or other authorization of any kind to make use of the Complainant's trademarks in a domain name or otherwise. Moreover, the Respondent is not commonly known under the disputed domain name, nor is he is making a

legitimate noncommercial or fair use of the disputed domain name. In fact, it resolves to a parking page with PPC links for third-party goods and services. The Complainant infers that the Respondent (or another) obtains click-through revenue from these PPC links. Moreover, the disputed domain name is offered for sale via the domain name sales platform Dan.com. As such, the Respondent's registration and use of the disputed domain name may be considered to be commercially motivated. In addition, the Complainant submits that the disputed domain name itself, comprising the Complainant's LPL trademark together with a reference to the Complainant's "LPL Account View" product, carries with it a high risk of implied affiliation with the Complainant and therefore cannot give rise to any legitimate claim of fair use.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Due to the well-known character of the LPL trademark, the Respondent must have been aware of the Complainant and its LPL trademark at the time he registered the disputed domain name. Furthermore, the Complainant provided evidence that the Respondent is or was previously the registrant of a large volume of trademark-abusive domain names and has been named as the respondent in several domain name proceedings where panels ordered transfer of the disputed domain names to the complainants. The Complainant therefore submits that the Respondent has engaged in a pattern of trademark-abusive domain name registration, targeting well-known trademark owners, further evidencing the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

A. Identical or Confusingly Similar

It results from the evidence provided, that the Complainant is the registered owner of trademarks consisting of or containing the term LPL. Reference is made in particular to United States Trademark Registration No. 1801076, LPL, registered on October 26, 1993 for "Financial management services" in class 36.

Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) at section 1.7).

This Panel shares this view and notes that the Complainant's registered trademark LPL is fully included in the disputed domain name, followed by the term "myaccountview". Furthermore, it is the view of this Panel that the addition of the term "myaccountview" in the disputed domain name cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark since the

Complainant's trademark is clearly recognizable in the disputed domain name (see [WIPO Overview 3.0](#) at section 1.8).

Finally, the generic Top Level Domain ("gTLD") ".com" of the disputed domain name may be disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#) at section 1.11.1).

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must secondly establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests to the disputed domain name. In the Panel's view, based on the undisputed allegations stated above, the Complainant has made a *prima facie* case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and did, in particular, not authorize the Respondent's use of the trademark LPL, e.g., by registering the disputed domain name comprising the said trademark entirely.

Furthermore, the Panel notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

In addition, it results from the undisputed evidence before the Panel that the disputed domain name resolves to a parking website comprising PPC links that compete with or capitalize on the Complainant's trademark. UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users (see [WIPO Overview 3.0](#) at section 2.9, with further references). This Panel shares this view and notes that the Complainant's trademark LPL has acquired reputation (see e.g. *LPL Financial LLC v. Trevor Palms and Brentwood Towers*, WIPO Case No. [D2015-0052](#)). Therefore, such use can neither be considered as *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Moreover, the Panel notes that the disputed domain name is constituted by the Complainant's registered trademark LPL and the term "myaccountview", which clearly refers to the Complainant's product "LPL Account View", tending to suggest sponsorship or endorsement by the Complainant. This Panel finds it most likely that the Respondent selected the disputed domain name with the intent to attract Internet users for commercial gain, see [WIPO Overview 3.0](#) at section 2.5.1 "Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner" and see e.g. *Banca Monte dei Paschi di Siena S.p.A. v. Privacy service provided by Withheld for Privacy ehf / Julius Boyler*, WIPO Case No. [D2021-2296](#).

It is acknowledged that once the Panel finds a *prima facie* case is made by a complainant, the burden of production under the second element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. Since the Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name and the Respondent in the case at hand failed to come forward with any allegations or evidence, this Panel finds, in the circumstances of this case, that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has therefore satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, “in particular but without limitation”, be evidence of the disputed domain name’s registration and use in bad faith.

It is the view of this Panel that these circumstances are met in the case at hand:

The Respondent has been involved in a number of trademark-abusive domain name registrations (e.g. *Klarna Bank AB v. Super Privacy Service LTD c/o Dynadot / lin yanxiao*, WIPO Case No. [D2021-1384](#); *Government Employees Insurance Company (“GEICO”) v. Lin Yanxiao*, WIPO Case No. [D2021-1033](#); *J. Crew International, Inc. v. Super Privacy Service LTD c/o Dynadot / Lin Yanxiao*, WIPO Case No. [D2021-1566](#); *McGrawHill LLC v. Super Privacy Service LTD c/o Dynadot / lin yanxiao*, WIPO Case No. [D2021-1436](#); *Autodesk, Inc. v. Lin Yanxiao*, WIPO Case No. [D2016-1783](#)).

In the view of the Panel this behavior demonstrates a pattern of conduct by the Respondent of taking advantage of trademarks of third parties without any right to do so and is indicative of the Respondent’s bad faith. Previous UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration, see [WIPO Overview 3.0](#), section 3.1.2. The Panel considers that this is the case in the case at issue.

Finally, the further circumstances surrounding the disputed domain name’s registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith. In fact, (1) the Complainant’s trademark has reputation; (2) the disputed domain name resolves to a parking page comprising PPC links and is offered for sale via the domain name sales platform Dan.com; (3) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the disputed domain name; (4) the Respondent originally used a privacy service hiding its identity; and (5) the Respondent did not provide any response with conceivable explanation of its behavior.

In the light of the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith pursuant to paragraph 4(a)(iii) 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 <lplmyaccountview.com> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: April 5, 2022