

ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. Ugochukwu Okogeri
Case No. D2024-0322

1. The Parties

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

The Respondent is Ugochukwu Okogeri, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <lpl-investments.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 25, 2024. On January 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 25, 2024, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 29, 2024, 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 1, 2024.

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 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 28, 2024.

The Center appointed Áron László as the sole panelist in this matter on March 5, 2024. 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, LPL Financial LLC, originated in 1989 from the amalgamation of two brokerage entities, Linsco and Private Ledger. As a dominant force in the retail financial advisory sector, LPL stands as the premier independent broker-dealer within the U.S. It caters to both independent financial advisors and financial institutions by offering essential services such as technology, research, clearing, compliance, and practice management programs to help them expand their practices.

Since becoming a publicly traded entity on the NASDAQ in 2010, LPL has offered a comprehensive suite of brokerage and investment advisory services to over 21,000 advisors, including those affiliated with about 1,100 institution-based investment programs and roughly 500 registered investment advisor (RIA) firms across the US, overseeing more than USD 1.1 trillion in advisory and brokerage assets. With a workforce exceeding 4,800, the Complainant's main offices are located in San Diego, California; Fort Mill, South Carolina; Boston, Massachusetts; and Austin, Texas. By the third quarter of 2023, LPL announced a gross profit surpassing USD 1.01 billion and net earnings over USD 224 million.

The Complainant is the owner of the following word marks protecting the sign "LPL":

- United States Trademark Registration No. 1801076, LPL, registered on October 26, 1993;
- United Kingdom Trademark Registration No. UK00003753607, LPL, registered on May 13, 2022; and
- European Union Trademark No. 018653022, LPL, registered on May 26, 2022.

The Complainant owns Trademarks for its logo including:

- United States Trademark Registration No. 3662425, registered on August 4, 2009; and
- European Union Trademark No. 018653024, registered on November 11, 2022.

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, <lplfinancial.com>, which redirects to the Complainant's main corporate website, as well as <lpl.net>, <lpl-financial.com>, and <lplaccountview.com>, amongst many others. In addition, the Complainant's parent company, LPL Holdings, Inc., is the owner of the branded new gTLDs ".lpl" and ".lplfinancial".

The Complainant has a strong social media presence.

The disputed domain name was registered on December 6, 2023, the name of the owner is given in the Whois information as "Privacy service provided by Withheld for Privacy ehf" with an Icelandic address.

There is currently no content available on the disputed domain name. Based on a screenshot provided by the Complainant dated January 25, 2024, the website accessible under the disputed domain name was used to offer financial services relating to cryptocurrencies using the Complainant's logo (which is also registered as trademark), name and address of one of its offices.

The Respondent is an individual from Nigeria.

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 trademark, since the addition of a hyphen and a descriptive term ("investments"), which is associated with the Complainant's core business cannot counterbalance the identity of the dominant element "LPL".

The Complainant further alleges that the Respondent has no rights or legitimate interests in the disputed domain name and that the Respondent wished to commit fraud by impersonating the Complainant.

The Respondent's website, offering cryptocurrency investment plans shows typical signs of a scam cryptocurrency trading site. These typical signs include the lack of financial regulatory information being provided on the Respondent's website, suggesting that it is not registered with such entities, the masked identity of the actual owner, the use of the Complainant's office address, and the lack of a customer service phone number, etc.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Respondent cannot credibly argue that it was not aware of the Complainant and its Trademark rights when it registered the disputed domain name. On the contrary, it is clear from the Respondent's use of the domain name in connection with a website that attempts to impersonate the Complainant with the intent to engage in a fraudulent cryptocurrency scheme.

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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["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.

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

Although the addition of the descriptive term "investments", which happens to reflect one of the Complainant's main activities, 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.

Panels have held that the use of a domain name for illegal activity, here, impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In addition, the name of the Respondent is given as “Ugochukwu Okogeri”, a name which bears no resemblance to the 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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s Trademark.

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

Panels have held that the use of a domain name for illegal activity here, impersonation/passing off, constitutes bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. (In some such cases, the respondent may host a copycat version of the complainant’s website.) Many such cases involve the respondent’s use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Complainant is one of the major players in the US broker-dealer market. The reputation of Complainant’s Trademark has been established in several prior UDRP decisions, including *LPL Financial LLC v. 钱梦聘 (Qianmengdan)*, WIPO Case No. [D2021-0150](#) (<lplfinancial.com>) and *LPL Financial LLC v. Alfred Andolini*, WIPO Case No. [D2023-5124](#) (<lpl.finance>).

Given the context provided, the Respondent must have been aware of the Complainant and its Trademark rights at the time of the disputed domain name’s registration in December 2023, especially considering the Complainant’s initial registration of its LPL trademark occurred nearly 30 years before.

The use of the domain name also appears to support the Complainant's allegation that the Respondent is using the domain name in furtherance of a fraudulent cryptocurrency scheme targeting unsuspecting Internet users, which qualifies as use in bad faith. The website clearly impersonates the Complainant by using its name, logo, and one of its office addresses. The absence of several credibility factors, such as registration with the relevant US government agency for compliance or accessibility through a customer service phone number, would seem to confirm the Respondent's fraudulent intentions.

Given the presence of the Complainant's LPL trademark next to the term "investments" in the domain name itself and given that the Complainant's logo and address are displayed on the Respondent's website, Internet users are likely to be misled into believing that the Respondent's website is operated by or otherwise endorsed by the Complainant.

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 <lpl-investments.com> be transferred to the Complainant.

/Áron László/

Áron László

Sole Panelist

Date: March 11, 2024