

## **ADMINISTRATIVE PANEL DECISION**

Fenix International Limited v. Ihar Poresh, QWERTY22 DOO  
Case No. D2024-0336

### **1. The Parties**

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

The Respondent is Ihar Poresh, QWERTY22 DOO, Montenegro.

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

The disputed domain name <only-fans-porn.com> is registered with Danesco Trading Ltd. (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 February 2, 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 (MI\_141604111WP) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 5, 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 amendment to the Complaint on February 5, 2024.

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 February 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2024. The Respondent sent email communications to the Center on February 14, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on March 1, 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 is a provider of adult entertainment services online, with its principal website at “www.onlyfans.com”.

The Complainant is the owner of trademark registrations including, for example:

- European Union trademark registration number 017912377 for the word mark ONLYFANS, registered on January 9, 2019, in numerous International Classes; and
- United States trademark registration number 5769268 for the word mark ONLYFANS.COM, registered on June 4, 2019, in International Class 35.

The disputed domain name was registered on September 25, 2023.

The Complainant produces evidence that the disputed domain name has resolved to a website headed “ONLYFANS PORN” which includes links to adult entertainment content.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant states that it has operated its website at “www.onlyfans.com” since at least July 2016, and that it is now the 97th most popular website in the world, with over 180 million registered users. It exhibits evidence of the relevant web ranking.

The Complainant submits that the disputed domain name is confusingly similar to its ONLYFANS trademark. It contends in particular that the inclusion of the term “porn” following that trademark does nothing to prevent a finding of confusing similarity.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its ONLYFANS trademark, that the Respondent has not commonly been known by the disputed domain name and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that, given the fame of its ONLYFANS trademark, the Respondent must be presumed to have been aware of that trademark at the time of registration of the disputed domain name. The Complainant adds that the addition by the Respondent of the term “porn” to its trademark, reflecting precisely the Complainant’s own area of business, is further evidence that the Respondent sought to target that trademark. The Complainant further contends that the Respondent uses the confusingly similar disputed domain name to divert Internet users to adult entertainment services in direct competition with those of the Complainant.

The Complainant provides evidence of a “cease and desist” communication sent to the Respondent on October 19, 2023 and states that no reply was received from the Respondent.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions, but sent communications to the Center arguing that although "their names are similar", the Complainant's website "has a structure of a webcam oriented website" whereas the Respondent's website at the disputed domain name "consists of porn videos divided into porn niches, and has nothing similar with onlyfans.com".

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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**

The Complainant has established that it is the owner of registered trademark rights in the mark ONLYFANS. The disputed domain name wholly adopts that trademark, subject to the insertion of a hyphen and the inclusion of a further hyphen and the additional term "porn". None of these additions prevent the Complainant's trademark from being recognizable within the disputed domain name, and the Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent's informal communications provide no evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. By the Respondent's own admission, the disputed domain name is similar to the Complainant's ONLYFANS trademark and regardless of the Respondent's pretextual distinction between its catalogued website of "porn" and the Complainant's "webcam oriented website", the use of a third party trademark for competing services cannot confer rights or legitimate interests upon the Respondent. Moreover, the Panel finds (as further discussed below) that the Respondent registered and has used the disputed domain name unfairly to target the Complainant's trademark rights. The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

### **C. Registered and Used in Bad Faith**

The Complainant has demonstrated to the satisfaction of the Panel that its trademark ONLYFANS and its website at "www.onlyfans.com" have been widely known for many years, particularly in the adult entertainment sector wherein the Respondent appears to operate and has specifically targeted given the addition of the term "porn". The Respondent's website also prominently features the Complainant's ONLYFANS trademark and offers services competitive with those of the Complainant.

The Panel concludes that the Respondent registered the disputed domain name with knowledge of the Complainant's ONLYFANS trademark and with the intention of taking unfair commercial advantage of that trademark by impersonating the Complainant and its website. The Panel finds further that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet

users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

## **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, <only-fans-porn.com>, be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: March 13, 2024