

ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Galez Bricks and Jake Flanders
Case No. D2024-0492

1. The Parties

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

Respondents are Galez Bricks and Jake Flanders, both located in United States.

2. The Domain Names and Registrar

The disputed domain names <faponlyfans.com>, <modelonlyfans.com>, <onlyfansfaps.com>, <onlyfansmodel.net>, <onlyfansnude.net>, <onlyfansonline.net>, <onlyfansphoto.net>, and <onlyfansprofiles.net> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 1, 2024. On February 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 2, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 Complainant on February 5, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed an amended Complaint on February 6, 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 Respondents of the Complaint, and the proceedings commenced on February 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2024. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on March 6, 2024.

The Center appointed Scott R. Austin as the sole panelist in this matter on March 13, 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 following facts appear from the Complaint (as amended) and its Annexes, which have not been contested by Respondents.

Complainant owns and operates a private social media platform that allows users to exchange and view mostly adult content under the trademark ONLYFANS (the "ONLYFANS Mark"). Complainant asserts its official website accessed at "www.onlyfans.com" (the "ONLYFANS Mark Official Website") through Complainant's official domain name <onlyfans.com> which incorporates the ONLYFANS Mark and is among the top 100 most popular websites in the world in global Internet traffic and engagement. According to data in the Annexes to the Complaint from recognized authorities on website rankings captured as of January 9, 2024, the ONLYFANS Mark Official Website ranked as the 97th most popular website on the Internet, and the 55th most popular website in the United States.

Complainant is the owner of a number of trademark registrations all over the world for the ONLYFANS Mark, including:

- European Union Trademark No. 017912377 for ONLYFANS, registered on January 9, 2019, in classes 9, 35, 38, 41, and 42;
- United States Trademark Registration No. 5769267 for ONLYFANS, registered on June 4, 2019, in class 35; and
- International Trademark Registration No. 1507723 for ONLYFANS, registered on November 2, 2019, in classes 9, 35, 38, 41, and 42, designating multiple jurisdictions.

Complainant also asserts that in addition to owning the above-referenced trademark registrations, it has established common law rights in the ONLYFANS Mark through extensive use and promotion of the mark to become globally famous resulting in acquired distinctiveness.

The Whois records show that all eight of the disputed domain names were registered "within minutes of each other" on July 26, 2023, with the same Registrar, and each resolved to a website that uses one of two template website layouts, offering adult content pirated from Complainant's website, but both template layouts consist of a similar grid of model profiles and contain affiliate links directing to a third party website.

At the time of this decision, the disputed domain names still resolve to websites offering adult content pirated from Complainant's website. Some of the websites at the disputed domain names contain a disclaimer indicating the website is not affiliated, associated, authorized, endorsed by, or in any way connected with Complainant, and Complainant's website can be found at "www.onlyfans.com".

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, Complainant contends that Respondents remain in control of all of the disputed domain names, and thus this Panel may exercise its discretion under paragraph 10(e) of the Rules to consolidate multiple domain name disputes under a single proceeding.

Specifically, Complainant contends: that the disputed domain names are confusingly similar to Complainant's trademark because each merely adds a descriptive or common term to Complainant's ONLYFANS Mark which the Mark remains recognizable within each disputed domain name; that Respondents have no connection or affiliation with Complainant and have not received any authorization, license, or consent to use the ONLYFANS Mark in the disputed domain names or in any other manner. Complainant also argues that Respondents are not commonly known by the ONLYFANS Mark and do not hold any trademarks similar to the disputed domain names; that Respondents have no rights or legitimate interests in respect of the disputed domain names as each is used for the illegitimate purpose of impersonating Complainant to obtain commercial advantage for Respondents' competing website business; and that the disputed domain names were registered and are being used in bad faith because Respondents intentionally targeted Complainant's ONLYFANS Mark to impersonate Complainant and redirect users to Respondents' competing websites for Respondents' commercial gain.

B. Respondents

Respondents did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Procedural Issue

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that Complainant contends and the evidence submitted shows that all of the disputed domain names were registered via the same Registrar "within minutes of each other", and the websites accessed through the disputed domain names are configured with one of two template layouts, but regardless of the template used, the websites all display a similar grid of model profiles redirect users through links to a third party website. Therefore, Complainant contends that the disputed domain names are subject to common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides it is appropriate to consolidate in a single proceeding the disputes regarding the nominally different disputed domain name registrants (referred to below as "Respondent").

6.2 Substantive Issues

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on Complainant to make out its case and it is apparent from the terms of the Policy that Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof under the Policy is often expressed as the “balance of the probabilities” or “preponderance of the evidence” standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. [WIPO Overview 3.0](#), section 4.2.

Thus, for Complainant to succeed it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of the probabilities that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii). the disputed domain names have been registered and are being used in bad faith.

The Panel finds that Complainant has met its burden in all three elements of the Policy and will deal with each of these elements in more detail below.

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 Complainant’s trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

The Panel finds Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The trademark registration evidence has been submitted in the form of electronic copies of valid and subsisting national and international trademark registration documents in the name of Complainant referenced in section 4 above. Ownership of a nationally registered trademark constitutes prima facie evidence that the complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.1; see *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#); see also *Janus International Holding Co. v. Scott Rademacher*, WIPO Case No. [D2002-0201](#).

Prior decisions under the Policy have also recognized Complainant’s common law trademark rights in the ONLYFANS Mark since 2017 and its first use in commerce since 2016, as well as the fame of Complainant’s social media platform and renown of the ONLYFANS Mark. See *Fenix International Limited v. c/o whoisprivacy.com / Tulip Trading Company, Tulip Trading Company Limited*, WIPO Case No. [DCO2020-0038](#); and *Fenix International Limited v. WhoisGuard Protected, WhoisGuard, Inc. / Samuel Walton*, WIPO Case No. [D2020-3131](#). The Panel finds that Complainant has also established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The [WIPO Overview 3.0](#), section 1.8 provides: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

While the addition of other terms, here “model”, “nude”, “online”, “photo”, “profiles”, “fap”, and “faps” may bear on assessment of the second and third elements, the Panel finds the addition of such terms within each respective disputed domain name does not prevent a finding of confusing similarity between the disputed domain names and Complainant’s mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. See also *Fenix International Limited v. Tony Lear, midieast corp.*, WIPO Case No. [D2021-1304](#).

Prior UDRP panels have also found the Top-Level Domain, being viewed as a standard registration requirement, may typically be disregarded under the first element analysis. See [WIPO Overview 3.0](#), section 1.11.1; see also *L’Oréal v. Tina Smith*, WIPO Case No. [D2013-0820](#).

The Panel finds Complainant’s ONLYFANS Mark is recognizable within each of the disputed domain names. Accordingly, all eight of the disputed domain names are confusingly similar to the ONLYFANS Mark for the purposes of the Policy.

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.

While 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 often impossible 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. 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. See also *Do the Hustle, LLC v. Tropic Web*, Case No. [D2000-0624](#).

Having reviewed the record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

According to the [WIPO Overview 3.0](#), section 2.5.1, where a domain name consists of the complainant’s trademark and certain additional terms, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the complainant.

The Panel finds the second element of the Policy has been established for each of the disputed domain names.

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, given the circumstances described in the Complaint and the documentary evidence submitted by Complainant, the Panel finds that the disputed domain names were all registered in bad faith.

First, numerous prior UDRP panels have recognized Complainant's ONLYFANS Mark as "internationally well known amongst the relevant public" such that Respondent in this proceeding as well as those in prior proceedings either knew or ought to have known of Complainant's ONLYFANS Mark and likely registered the disputed domain names to target Complainant's ONLYFANS Mark. See *Fenix International Limited c/o Walters Law Group v. Juan Anton, Onlyfanx*, WIPO Case No. [D2021-0837](#).

Second, the disputed domain names were registered in 2023, long after Complainant attained registered rights in the Mark and long after Complainant had established common law rights in the Mark through acquired distinctiveness. See *Fenix International Limited v. c/o whoisprivacy.com / Tulip Trading Company, TulipTrading Company Limited*, WIPO Case No. [DCO2020-0038](#).

The Panel also finds bad faith registration here, because Respondent used Complainant's ONLYFANS Mark and added the terms "model", "nude", "online", "photo", and "profiles" within the disputed domain names, which creates the likelihood of confusion by suggesting that the disputed domain names relate to aspects of Complainant's adult entertainment business and redirect users to the sites at the disputed domain names each offering pirated and watermarked content from Complainant's ONLYFANS Mark Official Website. See *Fenix International Limited v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Andrei Ivanov*, WIPO Case No. [D2021-1339](#).

As prior UDRP panels have noted, "[t]he overriding objective of the Policy is to curb the abusive registration of domain names in circumstances where the registrant is seeking to profit from and exploit the trademark of another". See *Rockstar Games v. Texas International Property Associates*, WIPO Case No. [D2007-0501](#). Complainant's evidence shows that Respondent clearly registered the disputed domain names to divert Internet traffic from Complainant's site to websites offering services for adult entertainment content in direct competition with Complainant's Official ONLYFANS Mark Website.

Respondent's conduct, therefore, clearly falls within the example of bad faith registration and use under Policy, paragraph 4(b)(iv) because Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's mark. Indeed, considering the conduct of Respondent described above, the Panel finds that Respondent registered the disputed domain names in a deliberate effort to target Complainant and its ONLYFANS Mark and redirect traffic to Respondent's competing adult content websites, thus in bad faith. Given the circumstances described in the Complaint and the documentary evidence provided by Complainant, the Panel finds that the disputed domain names were registered and are being used in bad faith. See [WIPO Overview 3.0](#), section 3.1.4. The Panel notes that at the time of this decision, some of the websites at the disputed domain names contain a disclaimer indicating the website is not affiliated, associated, authorized, endorsed by, or in any way connected with Complainant. The Panel finds, however, that it is unclear whether these disclaimers were added after the filing of the Complaint and the mere insertion of a disclaimer cannot cure Respondent's bad faith conduct considering the overall circumstances of this case. See [WIPO Overview 3.0](#), section 3.7.

Complainant shows it sent cease-and-desist letters to Respondent on September 18 and 19, 2023, demanding that Respondent stop using and cancel all eight of the disputed domain names. Respondent did not respond, and Respondent's failure to respond to Complainant's correspondence is further evidence of bad faith. *Encyclopaedia Britannica, Inc. v. John Zuccarini and The Cupcake Patrol a/k/a Country Walk a/k/a Cupcake Party*, WIPO Case No. [D2000-0330](#).

Accordingly, Complainant has met its burden of showing that the disputed domain names were registered and are being used in bad faith and the third element of the Policy has been established.

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 names <faonlyfans.com>, <modelonlyfans.com>, <onlyfansfaps.com>, <onlyfansmodel.net>, <onlyfansnude.net>, <onlyfansonline.net>, <onlyfansphoto.net>, and <onlyfansprofiles.net> be transferred to Complainant.

/Scott R. Austin/

Scott R. Austin

Sole Panelist

Date: March 27, 2024