

ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. logic systems, logicsystems
Case No. D2024-0581

1. The Parties

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

Respondent is logic systems, logicsystems, United States.

2. The Domain Name and Registrar

The disputed domain name <lpl.pro> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 8, 2024. On February 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 Complainant on February 9, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 14, 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 Respondent of the Complaint, and the proceedings commenced on February 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 8, 2024.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on March 14, 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

Complainant was founded in 1989 through the merger of two brokerage firms – “Linsco” and “Private Ledger”. Complainant operates in the financial advice market and is considered amongst the largest independent broker-dealers in the United States. Complainant serves independent financial advisors and financial institutions, providing them with the technology, research, clearing and compliance services, and practice management programs they need to provide wealth management, retirement planning, financial planning and asset management solutions to their clients.

Since 2010, Complainant has been publicly traded on the NASDAQ under “LPLA”. Complainant provides an integrated platform of brokerage and investment advisory services to more than 21,000 advisors at approximately 1,100 institution-based investment programs and at approximately 500 registered investment advisor firms in the United States, managing over USD 1.1 trillion in advisory and brokerage assets. Complainant has over 4,800 employees. In the fourth quarter of 2023, Complainant’s gross profit reached over USD 1 billion, with a net income of over USD 218 million.

Complainant owns many domain names consisting of or containing “lpl”, including <lpl.com>, registered in 1994, from which it operates its main corporate website, as well as <lpl.net>, <lpl-financial.com>, and <lplaccountview.com>, amongst many others. In addition, Complainant’s parent company, LPL Holdings, Inc., is the owner of the new gTLDs “.lpl” and “.lplfinancial”.

Complainant is also active on various social-media platforms.

Complainant owns numerous trademark registrations for the mark LPL, including the following:

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

Complainant also owns trademark registrations for LPL FINANCIAL including its logo design:

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

The disputed domain name was registered on October 5, 2023, and previously resolved to a website purporting to offer cryptocurrency and general financial trading services. Respondent’s website purported to offer various types of accounts, requiring users to pay an initial deposit in order to open an account, with no minimum amount specified.

Respondent’s website made use of a square logo design and a blue, white and orange color scheme similar to that used by Complainant on its website. Respondent’s website included in its footer, “LPL.pro – 2024 © | All Rights reserved.” No financial regulatory information was displayed on Respondent’s website. Respondent’s website included the following statement:

“Open the Doors to Lucrative Financial Opportunities with LPL.Pro.

At LPL.Pro, we provide you with an all-inclusive trading environment that offers all the tools, resources, and services you need to trade effectively. This includes direct access to a cutting-edge and intuitive trading platform, a choice of assets to trade, and effective trading tools to maximize your trading accuracy.”

Complainant previously filed two separate UDRP Complaints regarding the domain names <lplfinancing.com> and <lpl.finance>; see *LPL Financial LLC v. Green Fit1*, WIPO Case No. [D2023-4122](#) and *LPL Financial LLC v. Alfred Andolini*, WIPO Case No. [D2023-5124](#). Both of those domain names previously resolved to websites similar to Respondent's website, also purporting to offer cryptocurrency and general financial trading services, and using a logo similar to Complainant's LPL FINANCIAL logo design trademark. In both previous cases, the panel ordered transfer of the disputed domain names to Complainant. Complainant submits that Respondent appears to be associated with the two other domain names involved in the above-mentioned cases. Indeed, the website at the domain name <lpl.finance> used the exact same logo design as used on Respondent's website.

Complainant submits that it has received a report from a member of the public complaining of having paid money to the operator of Respondent's website, without being able to withdraw the money at a later date. Complainant submitted a copy of a WhatsApp communication to the member of the public, in which the operator of Respondent's website made direct reference to the domain name <lpl.finance>, stating that the domain name had changed to <lpl.pro>.

The record indicates that Respondent has been using the disputed domain name to operate a fraudulent advance-fee cryptocurrency scheme, relying on the misleading impression of an association with Complainant's mark.

The disputed domain name no longer resolves to an active website.

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 name.

Notably, Complainant contends that the disputed domain name includes Complainant's LPL mark in its entirety and is therefore identical to Complainant's mark, that Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name has been registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

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

Paragraph 15(a) of the Rules instructs the 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".

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 name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the addition of the generic Top-Level Domain ("gTLD") ".pro" 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 1.11.1.

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 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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services. There is no evidence that Respondent is commonly known by the disputed domain name. Complainant has not licensed or authorized Respondent to use Complainant's mark in a domain name or otherwise. The disputed domain name was registered using a privacy service. Respondent's website included no clear information as to the company or individuals behind the disputed domain name. Complainant submits that the disputed domain name appears to have been registered using false contact details. While the street name used by Respondent when registering the disputed domain name indeed exists in London, United Kingdom, the postcode listed in the registration information is incorrect. Additionally, the registrant country is listed as "United States," not United Kingdom. The record indicates that the disputed domain name is creating confusion with Complainant's mark in an attempt to hold itself out as a genuine financial services provider. Such use carries a risk that Internet users will be misled into disclosing extensive personal identifying information and/or financial information, which may be used to commit further acts of fraud.

The record indicates that Respondent has registered and used the disputed domain name to impersonate Complainant through a website that has a similar look and feel to Complainant's official website in order to mislead Internet users into participating in a fraudulent advance-fee scheme requiring them to disclose their personal and financial information.

Panels have held that the use of a domain name for illegal activity such as the fraudulent advance-fee scheme in the present case, can never confer rights or legitimate interests on a respondent.

[WIPO Overview 3.0](#), section 2.13.1.

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 Complainant's LPL trademark is well known in connection with financial advisory services. Previous panels have held that Complainant's mark is well known. *LPL Financial LLC v. 钱梦聃 (Qianmengdan)*, WIPO Case No. [D2021-0150](#); *LPL Financial LLC v. 杨智超 (Yang Zhi Chao)*, WIPO Case No. [D2021-0058](#).

Accordingly, it is inconceivable that Respondent had no knowledge of Complainant and its trademark rights when registering the disputed domain name in October 2023.

More importantly, Respondent is operating a fraudulent advance-deposit scheme requiring customers to disclose personal and financial information to set up a bogus account from which they cannot later withdraw their funds. The record indicates that Respondent is deliberately diverting and misleading Internet users into believing they are dealing with Complainant.

Panels have held that the use of a domain name for illegal activity such as shown here constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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.pro> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: March 28, 2024