

## **ADMINISTRATIVE PANEL DECISION**

LPL Financial LLC v. Jordan Goddard, Harrison Watkins  
Case No. D2024-1236

### **1. The Parties**

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

The Respondents are Jordan Goddard and Harrison Watkins, United Kingdom (“UK”).

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

The disputed domain names <lpleu.com> and <lplinvesting.com> are registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2024. On March 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 22, 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 the Complainant on March 25, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the 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. The Complainant filed an amended Complaint on March 29, 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 Respondents of the Complaint, and the proceedings commenced on April 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on April 23, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on April 29, 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 an independent brokerage firm based in the United States which was founded in 1989. It provides brokerage and investment advisory services to independent financial advisors and financial institutions in the financial service sector.

Since 2010, the Complainant has been publicly traded on the NASDAQ under "LPLA" and has managed over USD 1.1 trillion in advisory and brokerage assets in the United States.

The Complainant is the owner of the LPL and LPL FINANCIAL marks in different jurisdictions. For example, United States Registration No. 1801076 for LPL registered on October 26, 1993, in Class 36, United Kingdom Registration No. UK00003753607 for LPL registered on May 13, 2022, in Classes 36 and 42, and United Kingdom Registration No. UK00003753611 for LPL FINANCIAL registered on May 13, 2022, in Classes 36 and 42.

The Complainant is also the owner of the domain name <lpl.com> and has used it as its main corporate website since 1994. Amongst others, the Complainant also owns other domain names, such as <lpl.net>, <lpl-financial.com> and <lplaccountview.com>. The Complainant's parent company is also the applicant of the generic Top-Level Domains ("gTLD") ".lpl" and ".lplfinancial".

The disputed domain names were both registered on February 9, 2024. At the time of the Complaint, the disputed domain name <lplinvesting.com> resolves to a website entitled "LPL Investing", purporting to offer trading services for cryptocurrency, stocks, bonds, derivatives and structured products. The Respondent's website purportedly offers various types of accounts from "Basic" to "Platinum". In order to open such an account, users are required to pay an initial deposit in amounts ranging from USD 5,000 to USD 100,000. Further, the Respondent's website lists the company address "4 Carlton Gardens, London, United Kingdom, SW1Y 5AA" at the bottom of the homepage. The website also includes "LPL Investing – 2024 © | All rights reserved" at the bottom of the homepage. The disputed domain name <lpleu.com> resolves to a parking page displaying Pay-Per-Click ("PPC") links to various third-party goods and services.

#### **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 names.

The Complainant is of the opinion that the disputed domain names are confusingly similar to its trademarks.

Furthermore, the Complainant argues that the Respondents have no rights or legitimate interests in respect of the disputed domain names. It is rather argued that one of the disputed domain names falsely suggests that there is some official or authorized link between the Complainant and the Respondents.

Finally, it is argued that the Respondents have registered and are using the disputed domain names in bad faith.

The Complainant also requests the consolidation.

## **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1. Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The 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 the 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 the 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:

- both disputed domain names were registered with the same registrar NameCheap;
- both disputed domain names were registered using the same proxy service;
- both disputed domain names were registered on the same day and at the same time (i.e., within one minute of one another);
- both disputed domain names were on the same name servers at the time of registration (dns1.registrar-servers.com, dns2.registrar-servers.com);
- both disputed domain names include the Complainant's LPL Trademark;
- both disputed domain names contain email addresses from Proton with a different name but the same format and same pattern, i.e., "[name][surname]3221@proton.me";
- both phone numbers use the country code "+31" for the Netherlands, although the registrants are supposedly based in the United Kingdom;
- both postal addresses do not appear to exist according to the Complaint evidence.

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 to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

### **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

- (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 burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See [WIPO Overview 3.0](#), section 4.3.

#### **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 mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms "eu" and "investing" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

As stated above, the disputed domain name <lpinvesting.com> is being used for an online website offering investment services using the Complainant's mark. The disputed domain name <lpleu.com> resolves to a parking page displaying PPC links to various third-party goods and services.

Furthermore, the composition of the disputed domain names, comprising the Complainant's LPL trademark in their entirety and the term "investing" or the geographical term "eu" carries a risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

Under the circumstances of this case, including the composition of the disputed domain names and reputation of the Complainant's trademark, it can be inferred that the Respondent was aware of the Complainant's trademark when registering the disputed domain names.

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 mark.

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

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 names <lpleu.com> and <lplinvesting.com> be transferred to the Complainant.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: May 17, 2024.