

## ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. mmmm kkk  
Case No. D2024-2961

### 1. The Parties

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

Respondent is mmmm kkk, United States.

### 2. The Domain Name and Registrar

The Disputed Domain Name <iplfinancial.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 July 22, 2024. On July 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 22, 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 Complainant on July 29, 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 July 31, 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 August 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 27, 2024.

The Center appointed Richard W. Page as the sole panelist in this matter on September 2, 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 is a leader in the retail financial advice market and is considered the largest independent broker-dealer 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 create and grow their practices. Complainant enables them to provide objective guidance to millions of families throughout the United States seeking wealth management, retirement planning, financial planning, and asset management solutions.

Since 2010, Complainant has been publicly traded on the NASDAQ under “LPLA.” Today Complainant provides an integrated platform of brokerage and investment advisory services to more than 22,000 investment advisors including advisors at approximately 1,100 institution-based investment programs and at approximately 570 registered investment advisor (RIA) firms, nationwide managing over USD 1.4 trillion in advisory and brokerage assets. Complainant has over 8,400 employees with its primary offices in San Diego, California; Fort Mill, South Carolina; Boston, Massachusetts; and Austin, Texas. In the first quarter of 2024, Complainant’s gross profits reached over USD 1,066 million, with a net income of over USD 289 million. Complainant has acquired considerable goodwill and reputation in the LPL brand in the context of the financial-services sector.

Complainant has made substantial investments to develop a strong presence online. 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 others. In addition, Complainant’s parent company, LPL Holdings, Inc., is the owner of the branded new generic Top-Level Domain (“gTLD”) “.lpl” and “.lplfinancial”.

Complainant has also made substantial investments to develop a strong presence online by being active on various social-media platforms. For instance, Complainant’s official Facebook page has some 21,000 followers. In addition, Complainant has over 25,000 followers on X.

Complainant has secured ownership of trademark registrations for LPL and LPL FINANCIAL (collectively the “LPL Marks”) including the following:

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 Trade Mark No. 018653022, LPL, Registered on May 26, 2022.

The Disputed Domain Name was registered on May 22, 2024, and resolves to a website which is inactive.

#### **5. Parties’ Contentions**

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

Complainant contends that the Disputed Domain Name is confusingly similar to the LPL Marks because it includes the entirety of the principal element “LPL” contained in the LPL Marks, with the initial “L” changed to an “I” and the addition of the gTLD “.com”.

Complainant alleges that it has given no license or other authorization to Respondent to use the LPL Marks for use in a domain name or otherwise.

Complainant further alleges that Respondent has not used the Disputed Domain Name for any bona fide offering of goods or services.

Complainant further alleges that Respondent is not commonly known by the Disputed Domain Name.

Complainant further alleges that passive holding or non-use of a Disputed Domain Name does not constitute legitimate or fair use of the Disputed Domain Name.

Complainant submits that the LPL Marks are inherently distinctive and well known in connection with Complainant's financial advisory services. Complainant's LPL Marks have been continuously and extensively used for well over 20 years and have acquired considerable reputation and goodwill worldwide.

Complainant further submits that it is inconceivable that Respondent registered the Disputed Domain Name without actual knowledge of Complainant's rights in the LPL Marks.

Complainant further submits that Respondent registered the Disputed Domain Name in order to create a misleading impression of association with Complainant in bad faith.

Complainant lastly submits that the non-use of the Disputed Domain Name does not prevent a finding of bad faith use under the doctrine of passive holding.

Complainant concludes that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the LPL Marks in which Complainant has rights;
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and,
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

### **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 LPL Marks and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

[WIPO Overview 3.0](#), section 1.2.1 states that registration is prima facie evidence of Complainant satisfying the threshold requirement of having trademark rights in the LPL Marks.

Complainant has shown rights in respect of the LPL Marks the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the LPL Marks are recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the LPL Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. The substitution of the initial “L” with an “I” does not prevent a finding of confusing similarity between the Disputed Domain Name and the LPL Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

Also, [WIPO Overview 3.0](#), section 1.11.1 instructs that gTLDs such as (“.com”) is disregarded for purposes of assessing confusing similarity.

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 the Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on Complainant, Panels have recognized that proving Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Complainant alleges that it has given no license or other authorization to Respondent to use the LPL Marks for use in a domain name or otherwise.

Complainant further alleges passive holding or non-use of the Disputed Domain Name, thus Respondent has not used the Disputed Domain Name for any bona fide offering of goods or services.

Complainant further alleges that Respondent is not commonly known by the Disputed Domain Name.

Complainant further alleges that passive holding or non-use of a Disputed Domain Name does not constitute legitimate or fair use of the Disputed Domain Name.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that 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.

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 Disputed Domain Name in bad faith.

In addition, the Panel finds that Complainant's LPL Marks have been continuously and extensively used for well over 20 years and have acquired considerable reputation and goodwill worldwide. The Panel further finds that it is reasonable to infer that Respondent registered the Disputed Domain Name with actual or constructive knowledge of Complainant's rights in the LPL Marks. WIPO Version 3.0, section 3.2.2.

Panels have found that passive holding or the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the LPL Marks, the composition of the Disputed Domain Name, and the apparent intentional misspelling of Complainant's LPL Marks trademark in the Disputed Domain Name and finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent a finding of 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 <iplfinancial.com> be transferred to the Complainant.

*/Richard W. Page/*

**Richard W. Page**

Sole Panelist

Date: September 9, 2024