

ADMINISTRATIVE PANEL DECISION

LPL Financial LLC v. Tian Tian Liu, bbookk
Case No. D2024-2962

1. The Parties

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

The Respondent is Tian Tian Liu, bbookk, Cambodia.

2. The Domain Name and Registrar

The disputed domain name <lplfinancialkr.com> is registered with GoDaddy.com, LLC (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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 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 amended Complaint on July 26, 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 Respondent of the Complaint, and the proceedings commenced on July 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 20, 2024.

The Center appointed Rebecca Slater as the sole panelist in this matter on August 27, 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 US public company. It was founded in 1989 through the merger of two brokerage firms (Linsco and Private Ledger). The Complainant is a leader in the retail financial advice market and is considered the largest independent broker-dealer in the US.

The Complainant has a portfolio of registrations for the LPL and LPL FINANCIAL trade marks, including US Trademark Registration No. 1801076 for LPL word mark (registered October 26, 1993), United Kingdom Trademark Registration No. UK00003753607 for LPL word mark (registered May 13, 2022 and US Trademark Registration No. 3662425 for LPL FINANCIAL word and device mark (registered August 4, 2009).

The Complainant is also the registrant of the <lpl.com> domain name, registered in 1994. It is also the registrant of the <lpl.net>, <lpl-financial.com> and <lplaccountview.com> domain names and several social media accounts for LPL or LPL Financial.

The Respondent is an individual named Tian Tian Liu apparently located in Cambodia. The Respondent did not submit a formal response, and consequently little information is known about the Respondent.

The Respondent registered the disputed domain name on June 8, 2024.

The disputed domain name currently resolves to a default registrar parking page.

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 name.

Notably, the Complainant contends that:

- The disputed domain name is confusingly similar to the LPL and LPL FINANCIAL trade marks. The disputed domain name comprises both trade marks in their entirety. The addition of the letters "kr" does not prevent a finding of confusing similarity.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant in any way and has not been authorized by the Complainant to use its trade marks. The passive holding of the disputed domain name is not a bona fide offering of goods or services. There is no evidence of the Respondent making demonstrable preparations to use the disputed domain name.
- The disputed domain name was registered and is being used in bad faith by the Respondent. The Respondent could not credibly argue that it was unaware of the Complainant and its trade marks when the Respondent registered the disputed domain name (over 30 years after the Complainant registered its first LPL trade mark). The passive holding of a domain name does not prevent a finding of bad faith. Mail exchange records have been configured for the disputed domain name and there is an appreciable risk that it could be used in connection with a fraudulent email scheme or for other fraudulent purposes.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and are being used in bad faith.

The onus of providing these elements is on the Complainant.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety the LPL and LPL FINANCIAL trade marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the LPL and LPL FINANCIAL trade marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the letters "kr" may bear on assessment of the second and third elements, the Panel finds the addition of these letters does not prevent a finding of confusing similarity between the disputed domain name and the LPL and LPL FINANCIAL trade marks 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 name.

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 name such as those enumerated in the Policy or otherwise.

The passive holding of the dispute domain name does not amount to use or preparations to use the disputed domain name in connection with a bone fide offering of goods or services. The Complainant has not authorized the Respondent to use the LPL or LPL FINANCIAL trade marks and there is no evidence that the Respondent has ever been known by the disputed domain name.

Additionally, the evidence provided by the Complainant (i.e. the configuration of mail exchange records for the disputed domain name) indicates that the disputed domain name may be used to perpetrate a fraudulent scheme. Panels have held that the use of a domain name for illegal activity (here, claimed to be impersonation of the Complainant) 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.

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.

The disputed domain name resolves to a default registrar parking page. Panels have found that the non-use of a domain name (including as a parking page) 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 and reputation of the Complainant's trade marks, and the composition of 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.

Additionally, panels have held that the use of a domain name for illegal activity (here, claimed to be fraudulent impersonation of the Complainant) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 name <lplfinancialkr.com> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: September 6, 2024