

## **ADMINISTRATIVE PANEL DECISION**

LPL Financial LLC v. My Name  
Case No. D2024-3601

### **1. The Parties**

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

The Respondent is My Name, United States.

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

The disputed domain name <lpl-financials.com> (“Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2024. On September 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 9, 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 September 11, 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 September 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 7, 2024.

The Center appointed Clark W. Lackert as the sole panelist in this matter on October 10, 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

LPL Financial LLC was founded in 1989 through the merger of two brokerage firms, Linsco and Private Ledger. The Complainant is active in the retail financial advice market and is considered the largest independent broker-dealer in the United States. The company serves independent financial advisors and financial institutions by providing technology, research, clearing and compliance services, and practice management programs to help them grow their practices. The Complainant enables these advisors to offer objective guidance to millions of families across the United States seeking wealth management, retirement planning, financial planning, and asset management solutions.

Since 2010, the Complainant has been publicly traded on the NASDAQ under the ticker “LPLA”. Today, the company offers an integrated platform of brokerage and investment advisory services to over 22,000 advisors, including those in 1,100 institution-based investment programs and 570 registered investment advisor (RIA) firms. These advisors manage more than USD 1.4 trillion in assets. The Complainant has over 8,400 employees, with primary offices in San Diego, California; Fort Mill, South Carolina; Boston, Massachusetts; and Austin, Texas. In the second quarter of 2024, the Complainant's gross profit exceeded USD 1.1 billion, with a net income of over USD 244 million, reflecting its substantial goodwill and reputation in the financial services sector.

The Complainant has made significant investments to establish a strong online presence, owning many domain names featuring “LPL”, including <lpl.com>, registered in 1994. The company also owns <lpl.net>, <lpl-financial.com>, and <lplaccountview.com>, among others. LPL Holdings, Inc., the parent company, owns branded new generic Top Level Domains (“gTLDs”) like “.lpl” and “.lplfinancial”. The Complainant is active on various social media platforms, including Facebook, where it has around 21,000 followers, and on X (formerly Twitter), where it has over 25,000 followers.

The company has secured multiple trademark registrations for LPL and LPL Financial, including the following registrations:

Jurisdiction	Trademark	Registration Number	Registration Date
European Union	LPL	018653022	May 26, 2022
United States	LPL	1801076	October 26, 1993
United States	LPL FINANCIAL (Logo)	3662425	August 4, 2009
United Kingdom	LPL	UK00003753607	May 13, 2022

The Domain Name was registered on July 13, 2024, well after the date when the Complainant registered <lpl.com> on August 2, 1994 or the Complainant began use of the trademark LPL in 1989. The record shows that the Domain Name has been resolving to a parking page displaying PPC (“pay per click”) links.

#### 5. Parties' Contentions

##### A. Complainant

In order to prevail, a complainant must demonstrate, on the balance of probabilities, that it has satisfied the requirements of paragraph 4(a) of the Policy. These requirements are: (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in respect of the domain name; and (iii) the domain name has been registered and is being used in bad faith.

The Complainant asserts that each of the above-listed factors is established, as substantiated as follows:

1) The Domain Name is Identical or Confusingly Similar to the Complainant's Trademark

The first element of paragraph 4(a) of the Policy requires a complainant to establish that it has rights in a trademark or service mark and that the disputed domain name is identical or confusingly similar to that trademark or service mark. As noted in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case".

The Complainant owns trademark registrations for LPL and LPL FINANCIAL, and therefore the Complainant submits that it has established trademark rights in LPL and LPL FINANCIAL for purposes of paragraph 4(a)(i) of the Policy.

The Domain Name comprises the Complainant's LPL trademark in its entirety as its leading element. The Domain Name also includes a variation of the Complainant's LPL FINANCIAL trademark, altered only by the replacement of the space with a hyphen and the addition of a single letter "s" to the element "financial". As stated in [WIPO Overview 3.0](#), section 1.7, where a domain name incorporates the entirety of a trademark or where a dominant feature of the relevant mark is recognizable, the domain name will normally be considered confusingly similar.

The Complainant submits that dominant textual features of its LPL and LPL FINANCIAL trademarks are recognizable in the Domain Name, such that the Domain Name is confusingly similar to the Complainant's trademarks pursuant to paragraph 4(a)(i) of the Policy. Prior UDRP panels have found similarly composed disputed domain names to be confusingly similar to the trademarks at issue. For example: *LPL Financial LLC v. Contact Privacy Inc. Customer 7151571251 / Shawn Chapman*, WIPO Case No. [D2022-2089](#) (<lplfinancials.info>): "The Panel concludes that Complainant has rights in the trademarks LPL and LPL FINANCIAL through registration and use demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to those marks. The dominant element of the mark—LPL—is entirely reproduced in the Domain Name and is clearly recognizable within the Domain Name. The additional word 'financial' or the added 's' do not prevent a finding of confusing similarity between the Domain Name and the LPL or LPL FINANCIAL mark". *LPL Financial LLC v. 杨智超 (Zhichao Yang)*, WIPO Case No. [D2021-3670](#) (<lplfinancial.com> et al.): "The marks LPL and LPL FINANCIAL have been, respectively, reproduced in the disputed domain names, albeit the term 'financial' has been misspelt in the disputed domain names. What is of essence is that the LPL marks are recognizable therein, and the disputed domain names correspond to the Complainant's name. The Panel agrees that the addition and omission of letters in the disputed domain names do not avoid a finding of confusing similarity with the Complainant's LPL marks".

A domain name which consists of a common, obvious, or intentional misspelling of a trademark (i.e., typosquatting) is considered confusingly similar to the relevant mark ([WIPO Overview 3.0](#), section 1.9). The Complainant submits that the Domain Name is confusingly similar to its LPL FINANCIAL trademark because the Domain Name includes the LPL FINANCIAL trademark, altered only by the addition of a single letter "s".

2) The Respondent Has No Rights or Legitimate Interests in Respect of the Domain Name

The Complainant submits that the Respondent has no rights or legitimate interests in the Domain Name. Proving a respondent lacks rights or legitimate interests can be challenging, as noted in [WIPO Overview 3.0](#), section 2.1. The burden of production shifts to the respondent to come forward with evidence demonstrating their rights or legitimate interests in the domain name. If the respondent fails to provide relevant evidence, the complainant is deemed to have satisfied the second element.

The Respondent is not using the Domain Name in connection with any bona fide offering of goods or services. The Respondent has not received any license or authorization to use the Complainant's

trademark. The Domain Name resolves to a parking page displaying PPC links, some of which compete with the services offered by the Complainant. According to previous UDRP panels, the use of a domain name to host a page of PPC links does not represent a bona fide offering where those links capitalize on the reputation and goodwill of the complainant's mark or mislead internet users.

### 3) The Domain Name Was Registered and Is Being Used in Bad Faith

Paragraph 4(b) of the Policy lists factors that may indicate the registration and use of a domain name in bad faith. The Complainant asserts that the Domain Name was registered and is being used in bad faith under paragraph 4(b)(iv) of the Policy, and there are additional factors that extend beyond the examples provided.

The Complainant's LPL and LPL FINANCIAL trademarks are distinctive and well known in connection with financial advisory services. These trademarks have been continuously used for over 20 years and have acquired considerable goodwill worldwide. Therefore, it is inconceivable that the Respondent could have registered the Domain Name without knowledge of the Complainant's well-known trademarks. The Respondent likely registered the Domain Name to create an impression of association with the Complainant, with the intent of profiting from it. The Complainant's LPL and LPL FINANCIAL trademarks are inherently distinctive and well-known in connection with the Complainant's financial advisory services. The trademarks have been continuously and extensively used for well over 20 years and have, as a result, acquired considerable reputation and goodwill worldwide. See, in this regard: *LPL Financial LLC v. 钱梦琳 (Qianmengdan)*, WIPO Case No. [D2021-0150](#) (<lplfinancial.com>): "Complainant has widespread reputation as a leader in the retail financial advice market and is considered the largest independent broker-dealer in the USA. [...] It is not conceivable that Respondent would not have had actual notice of the LPL and LPL FINANCIAL marks at the time of the registration of the disputed domain name (in September 2020). The Panel therefore finds that the LPL and LPL FINANCIAL mark is not one that a trader could legitimately adopt other than for the purpose of creating an impression of an association with Complainant".

The Respondent's use of a proxy service to register the Domain Name is further evidence of bad faith, as it conceals their identity. The Complainant submits that this, along with the PPC links displayed on the page, supports a finding of bad faith under paragraph 4(a)(iii) of the Policy.

## B. Respondent

The Respondent is in default and did not reply to the Complainant's contentions.

## 6. Discussion and Findings

### 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 Domain Name. [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 LPL is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the LPL mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 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 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 a domain name in bad faith.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark in addition to monetizing this confusion with competing PPC links. The Panel notes that the Respondent registered the Domain Name which is confusingly similar to the Complainant’s widely known marks LPL and LPL FINANCIAL and used the Domain Name to host a website with PPC links related to financial services which indicates an intent to target that mark to promote misdirection of Internet traffic, evidence of bad faith. See, e.g., *The Dow Chemical Company v. dowchemical eva\_hwang@21cn.com +86.7508126859*, WIPO Case No. [D2008-1078](#) (finding <dowaychemical.com> registered in bad faith in view of the “widely known trademarks” of the complainant); see also *IDR Solutions Ltd. v. Whois Privacy Corp.*, WIPO Case No. [D2016-2156](#) (evidence of third party recognition of complainant’s JPEDAL mark supported conclusion that <jpedal.org> was registered in bad faith).

As [WIPO Overview 3.0](#), Article 3.1.4 states: “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith”. In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark in violation of paragraph 4(b)(iv) of 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 name <lpl-financials.com> be transferred to the Complainant.

*/Clark W. Lackert/*

**Clark W. Lackert**

Sole Panelist

Date: October 21, 2024