

## **ADMINISTRATIVE PANEL DECISION**

Fenix International Limited v. vincent otiri  
Case No. D2024-3628

### **1. The Parties**

The Complainant is Fenix International Limited c/o Walters Law Group, United States of America.

The Respondent is vincent otiri, Nigeria.

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

The disputed domain name <onlyfansleaked-video.online> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 6, 2024. On September 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 the Complainant on September 11, 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 amendment to the Complaint on September 11, 2024.

The Center verified that the Complaint together with the amendment to the 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 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2024. The Respondent sent an email communication to the Center on September 12, 2024. On October 4, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Enrique Ochoa de G. Argüelles 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**

The Complainant operates the website “www.onlyfans.com” since at least 2016 in connection with the provision of a social media platform that allows users to post and subscribe to audiovisual content.

The Complainant’s website is one of the most popular websites in the world, with more than 180 million registered users in 2024.

According to Similarweb, it is the 97th most popular website on the World Wide Web, and it is the 55th most popular website in the United States of America.

The Complainant owns several trademark registrations for ONLYFANS (hereinafter ONLYFANS MARKS) including:

- European Union trademark registration No. 017912377, ONLYFANS (word), filed on June 5, 2018, and registered on January 9, 2019, for goods and services in international classes 9, 35, 38, 41, and 42;
- European Union trademark registration No. 017946559, ONLYFANS (figurative), filed on August 22, 2018, and registered on January 9, 2019, for goods and services in international classes 9, 35, 38, 41, and 42; and
- United States trademark registration No. 5,769,267, ONLYFANS (word), filed on October 29, 2018, and registered on June 4, 2019, for goods and services in international class 35.

The Complainant also uses the domain name <onlyfans.com> registered on January 29, 2013.

The disputed domain name was registered on January 4, 2024, and at the time of filing of the Complaint resolved to a website which prominently displayed the Complainant’s trademark and logo and allegedly offered pirated content while linking to offsite content.

The Complainant sent a cease-and-desist letter to the Respondent on February 23, 2024, to which the Respondent did not respond.

The Panel verified that the disputed domain name is currently used to display offensive content.

#### **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, and mainly states the following:

- It owns ONLYFANS MARKS and has used them since at least June 4, 2016, and such rights have been recognized in over 150 previous UDRP decisions.
- The disputed domain name <onlyfansleaked-video.online> is identical or confusingly similar to the ONLYFANS MARKS with the addition of the descriptive phrase “leaked-video”. This creates a likelihood of confusion for users.

- The Respondent has no rights or legitimate interests in the disputed domain name and is not known by the term “onlyfansleaked-video.online”.
- The Respondent registered the disputed domain name long after the Complainant had established its trademark rights and likely did so to exploit the popularity of the Complainant’s brand.
- The website associated with the disputed domain name offers adult entertainment content, including pirated content from “OnlyFans” users, which directly competes with the Complainant’s services. This is further evidence of bad faith.
- The Complainant sent a Cease-and-Desist Letter to the Respondent and did not receive a response. This strengthens the case for bad faith.

## **B. Respondent**

On September 12, 2024, the Respondent sent an email communication stating: “I m the owner of the registered domain onlyfansleaked-video.online, but I don’t understand what this email is all about, I have not made any complaints. so please make me understand why I m receiving this email”.

## **6. Discussion and Findings**

The Panel will decide this case based on the information provided by the Complainant and the email from the Respondent (Paragraph 15(a) of the Rules).

Because the Respondent failed to provide a substantive response, the Decision will be based on the Complainant’s uncontested statements, and any relevant laws or principles and conclusions may also be drawn based on the Respondent’s lack of response (paragraphs 5(e), 14(a) and 15(a) of the Rules). The Panel shall draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules.

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the disputed 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 the disputed domain name; and
- (iii) 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 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 name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms such as “leaked”, “video” and / or “online” may bear on assessment of the second and third elements, the Panel finds the addition of such terms do 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 1.8.

For easy reference, see *Fenix International Limited v. Host Master, 1337 Services LLC*, WIPO Case No. [D2021-2652](#) for <onlyfansleaked.org> and *Fenix International Limited v. Withheld For Privacy Purposes, Privacy service provided by Withheld for Privacy ehf/ Kazi Otr*, WIPO Case No. [D2021-2498](#) for <leakedonlyfans.xyz>.

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.

Here, the Panel notes that the use of the disputed domain name for illegitimate activity, such as the offering of competing adult entertainment content, including pirated content does not confer rights or legitimate interests on the Respondent.

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 was aware of the existence of the Complainant and its activities before the registration of the disputed domain name, provided that:

- (a) The Complainant is a worldwide very well-known company, in connection with the provision of a social media platform that allows users to post and subscribe to audiovisual content.
- (b) The disputed domain name is currently used to display adult entertainment services (including watermarked content pirated from Complainant’s users) in direct competition with Complainant’s services.
- (c) The disputed domain name was registered to attract users for commercial gain, deceiving netizens by pretending to have a relation with the ONLYFANS MARKS.

- (d) The Respondent registered the disputed domain name after the registration of ONLYFANS MARKS using a privacy service, to not disclose the current holder.
- (e) The Respondent did not file a response evidencing having rights in the disputed domain name.

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 Panel finds that the use of the disputed domain name for illegitimate activity such as the offering of competing adult entertainment content, including pirated content, 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 name constitutes bad faith under the Policy.

In view of the above, the Panel determines that the Complainant has accredited the registration and use of the disputed domain name in bad faith, as set forth in the Policy, section 3.1.4 of the [WIPO Overview 3.0](#) and *Kik Interactive Inc. v. Nestor Hernandez*, WIPO Case No. [D2016-0738](#).

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 <onlyfansleaked-video.online> be transferred to the Complainant.

*/Enrique Ochoa de G. Argüelles/*  
**Enrique Ochoa de G. Argüelles**  
Sole Panelist  
Date: October 24, 2024