

## **ADMINISTRATIVE PANEL DECISION**

LPL Financial LLC v. Domain Administrator, Sugarcane Internet Nigeria Limited

Case No. D2024-4498

### **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 Domain Administrator, Sugarcane Internet Nigeria Limited, Nigeria.

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

The disputed domain name <lplmyaccountoverview.com> is registered with Cosmotown, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 31, 2024. On November 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 2, 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 ([Registrant unknown]) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 4, 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 November 7, 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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 8, 2024. In accordance with paragraph 5 of the Rules, the due date for Response was November 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 29, 2024.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on December 4, 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 paragraph 7 of the Rules.

#### **4. Factual Background**

The Complainant 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 United States. The 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. The 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, the Complainant has been publicly traded on the NASDAQ under “LPLA”. Today, the 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. The Complainant has over 8,400 employees. In the third quarter of 2024, the Complainant’s gross profit reached over USD 1,128 million, with a net income of USD 255 million.

The Complainant provides since 2010 a consumer-facing product under the name “LPL Account View”. LPL Account View is a web-based platform that allows the Complainant’s advisors to give their clients access to a timely, accurate snapshot of their portfolio. The Complainant’s clients can view portfolio values, account balances, deposits and withdrawals, and investment returns via the Complainant’s secure, 24-hour accessible online platform.

The Complainant has secured ownership of trademark registrations for LPL (“LPL Trademark”), including the following:

- United States Trademark Registration No. 1801076, LPL, registered on October 26, 1993; and
- United Kingdom Trademark Registration No. UK00003753607, LPL, registered on May 13, 2022.

The 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>, <lplaccountview.com>, amongst many others. In addition, the Complainant’s parent company, LPL Holdings, Inc., is the owner of the branded new generic Top-Level Domains (“gTLDs”) “.lpl” and “.lplfinancial”.

The disputed domain name was registered on September 2, 2024. The disputed domain name resolves to a parking page displaying Pay-Per-Click (PPC) links to various goods and services including those related to the financial sector.

#### **5. Parties’ Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Notably, the Complainant's contentions may be summarized as follows:

The addition of the words "my account overview" to the Complainant's LPL Trademark in the disputed domain name does not prevent a finding of confusing similarity, as the Complainant's LPL Trademark remains clearly recognizable. In fact, the inclusion of the words "my account overview" tends to reinforce confusing similarity as the disputed domain name may be read as being a direct reference to the Complainant's LPL Account View product.

The Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy that might demonstrate its rights or legitimate interests in the disputed domain name. Considering the nature of the disputed domain name itself, which may be read as making direct reference to the Complainant's LPL Account View product, and further noting that the PPC links on the associated web page refer to financial services, the Respondent has sought to obtain click-through revenue resulting from a perceived association between the disputed domain name, the Complainant, and the Complainant's LPL Trademark by using the disputed domain name. The Respondent's offering the disputed domain name for sale on the domain name marketplace Sedo.com with a "Buy It Now" (BIN) price of USD 1,000 further evidences the Respondent's intent to profit from the goodwill and reputation associated with the Complainant and its LPL Trademark.

The Respondent could not credibly argue that it did not have knowledge of the Complainant and its rights in the LPL Trademark when registering the disputed domain name in September 2024, over 30 years after the Complainant's first registration of its LPL Trademark. Rather, the Respondent registered the disputed domain name in order to create a misleading impression of association with the Complainant, with a view to obtaining click-through revenue from its use of the disputed domain name, in bad faith.

Given the degree of similarity between the disputed domain name, the Complainant's LPL Trademark, the Complainant's LPL Account View product, and domain names held by the Complainant including <lplaccountview.com>, and further noting that MX records have been configured for the disputed domain name, there is an appreciable risk that the disputed domain name is being or could be used in connection with a fraudulent email scheme targeting the Complainant's advisors and/or clients, or for other fraudulent purposes.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must assert and prove the following three elements are present:

- (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.

### **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. See section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)").

The disputed domain name comprises the Complainant's LPL Trademark in its entirety, together with the words "my account overview" without spaces between the words, under the gTLD ".com".

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#). The Complainant's LPL Trademark is clearly recognizable as the leading element in the disputed domain names (see also *LPL Financial LLC v. Super Privacy Service LTD c/o Dynadot / lin yanxiao*, WIPO Case No. [D2022-0482](#); *LPL Financial LLC v. 杨智超 (Yang Zhi Chao)*, WIPO Case No. [D2021-0058](#)) and the words "my account overview" reminiscent of the Complainant's LPL Account View product. Therefore, the addition of the words "my account overview" does not affect the finding of confusing similarity under the first element in paragraph 4(a) of the Policy.

The gTLD is a standard registration requirement and may be disregarded for assessing the confusing similarity. See section 1.11.1 of the [WIPO Overview 3.0](#).

For the foregoing reasons, the Panel finds that the first element in paragraph 4(a) 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.

As the Complainant asserts, the Respondent has not acquired or applied for any trademark registrations for "LPL", "LPL My Account Overview" or any variation thereof, as reflected in the disputed domain name, and the Respondent has not received any license or other authorization of any kind to make use of the Complainant's LPL Trademark in the disputed domain name. Moreover, there is no evidence to suggest that the Respondent is commonly known by the disputed domain name, as contemplated by paragraph 4(c)(ii) of the Policy, and the Respondent's use of the disputed domain name does not amount to a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

Although the overall burden of proof in the proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy 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 in paragraph 4(a) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

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.

As a result, the Panel finds that the second element in paragraph 4(a) of the Policy has been established.

## **C. Registered and Used in Bad Faith**

The Complainant's LPL Trademark is well known in connection with the Complainant's financial advisory services. The Complainant's LPL Trademark has been continuously and extensively used for many years and has acquired a considerable reputation and goodwill worldwide. The disputed domain name is confusingly similar to the Complainant's LPL Account View product and webpage used in association with that product, namely <accountview.lpl.com>. Accordingly, the Panel is satisfied that the Respondent must

have been aware of the LPL Trademark when it registered the disputed domain name (see *LPL Financial LLC v. Domains By Proxy, LLC. / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-0819](#)).

The fact that the disputed domain name resolves to a parking page displaying PPC links to services related to the financial sector, the Respondent offered the disputed domain name for sale on the domain name marketplace Sedo.com with a BIN price of USD 1,000 support a finding of use in bad faith since the disputed domain name is used for intentionally attempting to attract Internet users for commercial gain within the meaning of paragraph 4(b)(iv) of the Policy.

On October 23, 2024, the Complainant's representatives sent a cease and desist letter to the Respondent via the Registrar's proxy service email address listed in the Whois record for the disputed domain name. The Respondent did not reply and is still using the disputed domain name as a parking page displaying PPC links.

As the Complainant insists, there is an appreciable risk that the disputed domain name is being or could be used in connection with a fraudulent email scheme targeting the Complainant's advisors and/or clients, considering that that Mail Exchange (MX) records have been configured for the disputed domain name. There does not appear to be any legitimate basis on which the disputed domain name incorporating the Complainant's LPL Trademark without authority could be used legitimately as an email address by the Respondent, and any attempt to do so would be capable of deceiving a recipient of an email into believing erroneously that it was associated with the Complainant (see *Accor v. Privacy Protection / Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2021-1954](#)).

In addition, the Respondent has previously been the subject of adverse decisions under the Policy. See e.g., *Verizon Trademark Services LLC v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2024-0672](#), and *Sandals Resorts International 2000 Inc. v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2023-0308](#). Hence, it appears to the Panel that the Respondent has shown a pattern of conduct of speculative domain name registration. See paragraph 4(b)(ii) of the Policy.

Accordingly, the Panel concludes that the third element in paragraph 4(a) of the Policy has been established.

## **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 <lplmyaccountoverview.com> be transferred to the Complainant.

*/Yuji Yamaguchi/*

**Yuji Yamaguchi**

Sole Panelist

Date: December 18, 2024