

## **ADMINISTRATIVE PANEL DECISION**

LPL Financial LLC v. Domain Privacy, Domain Name Privacy Inc.  
Case No. DCO2024-0071

### **1. The Parties**

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

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

### **2. The disputed domain name and Registrar**

The disputed domain name <lplaccountview.co> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 25, 2024. On September 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 26, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 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 October 1, 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 October 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 30, 2024.

The Center appointed Adam Samuel as the sole panelist in this matter on November 7, 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 was founded in 1989. It is a broker dealer in the US. It also supplies independent financial advisers and financial institutions with technology, research, clearing facilities, compliance assistance and practice management services. One of the Complainant's products is an "account view" mobile app and desktop portal. This enables consumers to view their financial position. The Complainant promotes its products and services through a number of domain names including <lpl.com> which it registered on August 2, 1994, and <lplaccountview.com> which it registered on November 21, 2005. The Complainant owns a US trademark for LPL, no. 1801076, registered on October 26, 1993.

The disputed domain name was registered on July 29, 2024. It resolves to a parking page offering links to investment advisers, financial advisers and retirement investment. Each link then sends the Internet user to the same website offering trading in contracts for differences. At the bottom of the parking page appears a statement that "The domain lplaccountview.co may be for sale. Click here to inquire about this domain". Clicking on this link leads to a landing page where the disputed domain name was originally listed for sale at USD 688 although this is no longer the case.

#### **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.

The disputed domain name comprises the Complainant's LPL trademark in its entirety as its leading element, followed by the words "account view", under the country code Top-Level Domain ("ccTLD") ".co". The inclusion of its LPL trademark as the disputed domain name's leading element is sufficient to establish confusing similarity between the mark and the disputed domain name. The addition of the words "account view" to the Complainant's LPL trademark in the disputed domain name does not prevent a finding of confusing similarity, as the Complainant's LPL mark remains clearly recognizable. In fact, the inclusion of the words "account view" 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 applicable ccTLD, in this case ".co", may be disregarded as it is viewed as a standard registration requirement.

The Respondent has not received any licence or other authorization of any kind to make use of the Complainant's trademark in a domain name or otherwise. The Respondent cannot assert that, prior to any notice of this dispute, it was using, or had made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name resolves to a parking page displaying pay-per-click ("PPC") links to goods and services, including those in competition with services offered by the Complainant. By using the disputed domain name, 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 trademark.

The Respondent's offering of the disputed domain name for sale further evidences the Respondent's intent to profit from the goodwill and reputation associated with the Complainant and its trademark. Notwithstanding the Complainant's pre-Complaint notice, the Respondent has not come forward with any evidence of having made demonstrable preparations to use the disputed domain name, such as evidence of business formation-related due diligence/legal advice/correspondence, evidence of credible investment in

website development or promotional materials such as advertising, letterhead, or business cards, proof of a genuine (i.e., not pretextual) business plan utilizing the disputed domain name, and credible signs of pursuit of the business plan, bona fide registration and use of related domain names, or other evidence generally pointing to a lack of indicia of cybersquatting intent. The Respondent is not commonly known by the disputed domain name. There is no evidence of the Respondent having acquired or applied for any trademark registrations for "LPL", "LPL Account View" or any variation thereof, as reflected in the disputed domain name. The Respondent's use of the disputed domain name does not support any reasonable claim of being commonly known by the disputed domain name, nor does it give rise to any reputation in the disputed domain name itself.

The Complainant has established a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. Accordingly, the burden of production shifts to the Respondent to come forward with evidence to rebut the Complainant's case.

The Complainant's LPL trademark is well known in connection with the Complainant's financial advisory services. The Complainant's trademark has been continuously and extensively used for over 30 years and has as a result acquired considerable reputation and goodwill worldwide. 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 July 2024, over 30 years after the Complainant's first registration of its LPL trademark. 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.

The surrounding circumstances of this case, in particular the composition of the disputed domain name itself, indicate that the Respondent registered the disputed domain name for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name. The Respondent's registration of the disputed domain name in the name of a proxy service, coupled with the Respondent's failure to reply to the Complainant's pre-Complaint notice, amounts to further evidence of the Respondent's bad faith. Internet users seeking the Complainant's LPL Account View product online are likely to be misled to the web page to which the disputed domain name resolves. The Respondent likely generates click-through revenue from the PPC links on the associated web page. Neither the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of 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 the fact 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**

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

(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 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**

The disputed domain name consists of the Complainant's trademark LPL, the words "account" and "view" and the ccTLD ".co".

The ccTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.8 of the [WIPO Overview 3.0](#) says:

"Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, [...] or otherwise) would not prevent a finding of confusing similarity under the first element."

Here, the added terms "account" and "view" appear to refer to the Complainant's "account view" product. They do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

For all these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

#### **B. Rights or Legitimate Interests**

The Respondent is not called LPL or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

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

The disputed domain name consists of the Complainant's trademark, a made-up name, the name of one of its products and the ccTLD ".co". From this, and in the absence of any Response, the Panel concludes that the Respondent registered the disputed domain name knowing of the Complainant and its "account view" product.

Without a response to the Complaint, it is impossible to know exactly why the Respondent registered the disputed domain name.

The only use to which the Respondent has put the disputed domain name has been to offer the disputed domain name for sale for USD 688. Paragraph 4(b)(i) of the Policy states that registration of the disputed domain name "primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the owner's] documented out-of-pocket costs directly related to the domain name" is evidence of the registration and use of a domain name in bad faith.

The other possibility is that the Respondent has attempted to attract, for commercial gain, Internet users to its website in order to attract pay-per-click revenue by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site

or location or of a product or service on its web site or location. This is also evidence of the registration and use of the disputed domain name in bad faith.

For all these reasons, 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 <lplaccountview.co> be transferred to the Complainant.

*/Adam Samuel/*

**Adam Samuel**

Sole Panelist

Date: November 15, 2024