

## ADMINISTRATIVE PANEL DECISION

Fenix International Limited v. Katey Cox, Kinky Fantasy Dolls; Hoang Quang; John Eod; Privacy service provided by Withheld for Privacy ehf / Keith Allan; Whois Privacy Protection Services by Z.com MM / Jason Taro; Manuel Klein; Domain Admin, Whois protection, this company does not own this domain name s.r.o / Whatever Tube, East Asia; teamRD r.d.; and Danesco Trading Ltd. / Herman Yang  
Case No. D2022-0073

### 1. The Parties

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

The Respondents<sup>1</sup> are Katey Cox, Kinky Fantasy Dolls, Canada; Hoang Quang, Viet Nam; John Eod, South Africa; Privacy service provided by Withheld for Privacy ehf, Iceland / Keith Allan, United States; Whois Privacy Protection Services by Z.com MM, Myanmar / Jason taro, Myanmar; Manuel Klein, Germany; Domain Admin, Whois protection, this company does not own this domain name s.r.o, Czech Republic / Whatever Tube, East Asia, China; teamRD r.d., Spain; Danesco Trading Ltd., Czech Republic / Herman Yang, Singapore, all unrepresented.

### 2. The Domain Names and Registrars

The disputed domain name <bestonlyfans.media> is registered with IONOS SE (the “Registrar”).

The disputed domain names <famous-onlyfans.com>, <famouslyonlyfans.com>, <famouslyonlyfans.info>, <famouslyonlyfans.net>, <famousxxonlyfan.net>, <onlyfanclub.net>, <onlyfanflim.com>, <onlyfannude.com>, <onlyfannude.net>, <onlyfanpornx.com>, <onlyfansdaily.com>, <onlyfansleak.vip>, <onlyfans18.info>, <onlyfans181.info>, <onlyfans182.info>, <onlyfans183.info>, <onlyfans184.info>, <onlyfans185.info>, <onlyfans186.info>, <onlyfans187.info>, <onlyfan18plus.com>, and <playonlyfansvideo.com> are registered with NameCheap, Inc. (the “Registrar”).

The disputed domain names <onlyfanbig.com>, <onlyfanhuge.net>, <onlyfanplus.com>, <onlyfansleakvip.com>, <onlyfansleakvip.net>, <onlyfanslut.com>, <onlyfansxleak.net>, <onlyfanxxx.com>, and <xonlyfansleakx.com> are registered with Cosmotown, Inc. (the “Registrar”).

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<sup>1</sup> As explained in section 6A below, the Panel has concluded that the disputed domain names are under common control. Accordingly, the Panel will hereafter refer to the Respondents collectively as “the Respondent” unless it is necessary to refer to them separately.

The disputed domain name <onlyfans-archive.com> is registered with Danesco Trading Ltd. (the “Registrar”).

The disputed domain name <onlyfanschiyinhl.com> is registered with GMO Internet, Inc. d/b/a Onamae.com (the “Registrar”).

The disputed domain names <onlyfans-videos.com>, and <slick-onlyfans.xyz> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

The disputed domain name <onlyfansxxx.live> is registered with GoDaddy.com, LLC (the “Registrar”).

The disputed domain name <onlyxxxfan.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2022. On January 11, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On January 11, 12, 13, 14, and 18, 2022, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 19, 2022, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint in English on January 20, 2022.

On January 24, 2022, the Center transmitted an email communication to the Parties in English and Japanese regarding the language of the proceeding of the disputed domain name <onlyfanschiyinhl.com>. On January 24, 2022, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not comment on the Complainant’s request that English be the language of the proceeding.

The Center received various communications from the Respondent by email on January 24, 2022, January 25, 2022, and January 26, 2022.

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 Respondents in English and Japanese of the Complaint, and the proceedings commenced on February 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 22, 2022. The Respondents did not submit any formal response. On February 23, 2022, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Adam Taylor as the sole panelist in this matter on March 3, 2022. 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**

Since at least 2016, the Complainant has operated a website branded “OnlyFans” at “www.onlyfans.com”, where users post adult-related content to which other users can subscribe. According to Alexa Internet, as of January 10, 2022, the Complainant’s website was the 428th most popular website in the world.

The Complainant owns various trade marks for ONLYFANS including European Union Trade Mark No. 017912377, filed June 5, 2018, registered January 9, 2019, in classes 9, 35, 38, 41 and 42.

The disputed domain names were registered between April 6, 2021, and December 4, 2021.

The disputed domain names have all been used for similar “tube” sites, *i.e.*, comprising purportedly user-uploaded adult videos.

On November 16, 2021, the Complainant sent a cease-and-desist letter relating to some of the disputed domain names. There was no response.

#### **5. Parties’ Contentions**

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

The following is a summary of the Complainant’s contentions.

In addition to its registered trade mark rights, the Complainant has developed extensive worldwide common law rights in its mark.

The disputed domain names are confusingly similar to the Complainant’s trade mark as they consist of that mark plus additional numbers or descriptive terms (including a misspelling in one case).

The Complainant has not authorised the Respondent to use its marks.

There is no evidence that the Respondent is known by the disputed domain names.

The Respondent cannot claim fair use of the disputed domain names because they include terms that have a special connection with the Complainant’s services and thereby create a risk of implied affiliation with the Complainant, or the terms refer to content pirated from the Complainant’s website.

The websites at the disputed domain names do not constitute a *bona fide* offering as they comprise adult entertainment services in direct competition with the Complainant and include content pirated from the Complainant’s users.

The disputed domain names were registered and are being used in bad faith.

The Complainant’s well-known mark long predates all of the disputed domain names.

There is a presumption of bad faith because the disputed domain names are confusingly similar to a widely-known trade mark.

In any case, it is clear that the Respondent registered the disputed domain names to target the Complainant’s mark and divert traffic from the Complainant to the Respondent’s websites.

The disputed domain names incorporate additional words that enhance the likelihood of confusion with the Complainant’s mark.

The disputed domain names have been used for directly competing websites that include material pirated from the Complainant's website.

The Respondent did not respond to the Complainant's cease-and-desist letter and thereafter registered additional disputed domain names.

The Respondent's use of a privacy service combined with the failure to submit a response is additional evidence of bad faith.

The Respondent engaged in serial cybersquatting, namely a pattern of registering numerous infringing domain names that often redirect to one another or contain similar websites.

The Respondent has repeatedly supplied false contact information.

## **B. Respondent**

The Respondent did not file a formal Response. The Center received a number of emails from various email addresses associated with the Respondent claiming not to understand the correspondence and, in respect of <onlyfans-archive.com>, offering to disable that disputed domain name, which was allegedly not in use, and asking if "then all complaints would be cleared?".

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain names are identical or confusingly similar to a trade mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

### **A. Preliminary Issue - Consolidation**

The principles governing the question of whether a complaint may be brought against multiple respondents are set out in section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the following reasons, the Panel is satisfied that the disputed domain names and corresponding websites are under common control:

- (1) all of the disputed domain names were registered within an eight-month period;
- (2) the 31 disputed domain names registered with the Registrars NameCheap, Inc. and Cosmotown, Inc. ("Batch 1") all use the same registrant email address;
- (3) the other seven disputed domain names ("Batch 2") all resolve to "tube" websites with layouts that are similar to each other as well as to the websites at the 31 disputed domain names in Batch 1; and
- (4) none of the persons named as registrants of the disputed domain names have appeared in this proceeding to contest consolidation.

The Panel considers that, in the circumstances, consolidation is fair and equitable to all Parties, and also procedurally efficient.

## **B. Preliminary Issue - Language of the Proceeding**

The Complainant has been submitted in English.

Section 4.5.1 of the [WIPO Overview 3.0](#) notes that, under paragraph 11(a) of the Rules, unless otherwise agreed by the parties, the default language of the proceeding is the language of the registration agreement, subject to the authority of the panel to determine otherwise.

The language of the Registration Agreement for the disputed domain name <onlyfanschiyinhl.com> is Japanese. There is no indication that the Registration Agreement specifies that any other language should apply and there has been no agreement between the Parties that the proceedings should be in English.

Section 4.5.1 of the [WIPO Overview 3.0](#) observes that paragraph 10 of the Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate, whilst also ensuring that the parties are treated with equality and that each party is given a fair opportunity to present its case.

The Complainant has requested that English be the language of the proceeding.

Section 4.5.1 of the [WIPO Overview 3.0](#) sets out certain scenarios that panels have considered warranted proceeding in a language other than that of the registration agreement. The Panel considers that the following apply in this case:

- (1) the fact that the disputed domain name <onlyfanschiyinhl.com> is itself in the English language;
- (2) the English-language content on the webpage under the disputed domain name;
- (3) potential unfairness or unwarranted delay in ordering the Complainant to translate the Complaint;
- (4) evidence of other Respondent-controlled English language disputed domain names using English on their websites; and
- (5) the use of English language Registration Agreements for the other 37 disputed domain names.

Section 4.5.1 of the [WIPO Overview 3.0](#) adds that the credibility of any submissions by the parties, and in particular those of the respondent (or lack of reaction after having been given a fair chance to comment), are particularly relevant. Here, the language communication in English and Japanese from the Center warned the Respondent that if the Respondent did not object by the due date to a language request by the Complainant, the Center would proceed on the basis that the Respondent did not object to the Complainant's request that English be the language of the proceeding. Yet the Respondent did not object.

Taking all these matters together, the Panel concludes that in the circumstances there is a reasonable likelihood that the Respondent is conversant in the English language, that the Respondent is unlikely to be prejudiced should English be adopted as the language of the proceeding and that to require translation of the Complaint would involve adding undue cost and delay to the proceeding.

Accordingly, in accordance with paragraph 11(a) of the Rules, the Panel determines that English should be the language of the proceeding in respect of the disputed domain name <onlyfanschiyinhl.com>. The language of the Registration Agreements for the other 37 disputed domain names is English. Therefore, the Panel determines that English should also be the language of the proceeding of this case in respect of those disputed domain names.

## **C. Identical or Confusingly Similar**

The Complainant has established rights in the mark ONLYFANS by virtue of its registered trade marks, as well as its unregistered trade mark rights deriving from its extensive, worldwide use of that mark.

Section 1.7 of the [WIPO Overview 3.0](#) makes clear that the first element functions primarily as a standing requirement. The test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trade mark and the disputed domain name. Where at least a dominant feature of

the relevant mark is recognisable in the disputed domain name, it will normally be considered confusingly similar to that mark for purposes of UDRP standing.

Section 1.8 of the [WIPO Overview 3.0](#) adds that, where the relevant trade mark is recognisable within the disputed domain name, the addition of other terms, whether descriptive, meaningless, or otherwise, would not prevent a finding of confusing similarity under the first element.

Here, the Panel considers that the Complainant's trade mark is readily recognisable within each of the disputed domain names and that the following variations of, and additions to, the mark reflected in the disputed domain names do not prevent a finding of confusing similarity:

- (1) changing "onlyfans" to "onlyfan"; and
- (2) adding descriptive terms (including an apparent misspelling of a dictionary word in the case of the word "flim") and/or seemingly random numbers, letters and/or one or more x's (presumably intended to denote adult content).

Furthermore, section 1.7 of the [WIPO Overview 3.0](#) explains that the overall facts and circumstances of a case, including relevant website content, may support a finding of confusing similarity in certain situations, particularly where it appears that the respondent registered the domain name precisely because it believed that the domain name was confusingly similar to a mark held by the complainant. The Panel considers that that applies here, given the nature of the websites at the disputed domain names, as discussed in section 6E below.

For the above reasons, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's trade mark, and that the Complainant has therefore established the first element of paragraph 4(a) of the Policy.

#### **D. Rights or Legitimate Interests**

As explained in section 2.1 of the [WIPO Overview 3.0](#), the consensus view is that, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If not, the complainant is deemed to have satisfied the second element.

Here, the Complainant has not licensed or otherwise authorised the Respondent to use its trade mark.

Paragraph 4(c) of the Policy gives examples of circumstances which, if proved, suffice to demonstrate that a respondent possesses rights or legitimate interests.

As to paragraph 4(c)(i) of the Policy, for reasons explained in section 6E below, the Panel considers that the Respondent has used the disputed domain names to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant's services. Such use of the disputed domain names could not be said to be *bona fide*.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy apply in the circumstances of this case.

The Panel finds that the Complainant has established a *prima facie* case of lack of rights or legitimate interests and there is no rebuttal by the Respondent.

For the above reasons, the Panel concludes that the Complainant has established the second element of paragraph 4(a) of the Policy.

## E. Registered and Used in Bad Faith

It is obvious that the Respondent was aware of the Complainant when it registered the disputed domain names, given that these reflect the Complainant's distinctive name and trade mark, involving a non-obvious combination of the terms "only" and "fans", and that the Respondent has used the disputed domain names for websites offering adult services that are closely related to those provided on the Complainant's site. The Complainant also asserts that some of the websites include content pirated from the users of the Complainant's site.

Furthermore, the Respondent has not come forward to deny the Complainant's assertions of bad faith, or to put forward any legitimate explanation for its selection and use of the disputed domain names.

Accordingly, the Panel readily concludes that the disputed domain names were registered and are being used in bad faith by the Respondent in accordance with paragraph 4(b)(iv) of the Policy. The Respondent has intentionally attempted to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's trade mark.

For the above reasons, the Panel considers that the Complainant has established the third element of paragraph 4(a) 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 names, <bestonlyfans.media>, <famous-onlyfans.com>, <famousonlyfans.com>, <famousonlyfans.info>, <famousonlyfans.net>, <famousxxonlyfan.net>, <onlyfanbig.com>, <onlyfanclub.net>, <onlyfanflim.com>, <onlyfanhuge.net>, <onlyfannude.com>, <onlyfannude.net>, <onlyfanplus.com>, <onlyfanpornx.com>, <onlyfans-archive.com>, <onlyfanschiyinhl.com>, <onlyfansdaily.com>, <onlyfansleak.vip>, <onlyfansleakvip.com>, <onlyfansleakvip.net>, <onlyfanslut.com>, <onlyfans-videos.com>, <onlyfansxleak.net>, <onlyfansxxx.live>, <onlyfans18.info>, <onlyfans181.info>, <onlyfans182.info>, <onlyfans183.info>, <onlyfans184.info>, <onlyfans185.info>, <onlyfans186.info>, <onlyfans187.info>, <onlyfanxxx.com>, <onlyfan18plus.com>, <onlyxxxfan.com>, <playonlyfansvideo.com>, <slick-onlyfans.xyz>, and <xonlyfansleakx.com> be cancelled (as requested by the Complainant).

*/Adam Taylor/*

**Adam Taylor**

Sole Panelist

Date: March 17, 2022