

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc. v. Christopher Thompson, Redstone Remodeling & Service Co. LLC

Case No. D2023-2663

### **1. The Parties**

The Complainant is Meta Platforms, Inc., United States of America (“United States”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Christopher Thompson, Redstone Remodeling & Service Co. LLC, United States.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 21, 2023. On June 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 22, 2023, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 26, 2023, 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 June 30, 2023.

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 June 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2023. The Respondent did not submit any substantive response. However, the Center received a third party email communication on June 30, 2023. Accordingly, the Center notified the Commencement of Panel Appointment Process on July 26, 2023.

The Center appointed Evan D. Brown as the sole panelist in this matter on July 28, 2023. 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 is a multinational technology conglomerate and is the parent company of the entity that operates Facebook. It owns the trademark FACEBOOK. That mark is the subject of registrations in several jurisdictions, including the United States (Reg. No. 3,041,791, registered on January 10, 2006).

According to the Whois records, the disputed domain name was registered on December 14, 2021. The disputed domain name resolves to an inactive web page. The Complainant sent a cease and desist letter to the Respondent concerning the disputed domain name and the parties exchanged some correspondence. But the parties could not resolve the situation; thus this matter ensued.

#### **5. Parties' Contentions**

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

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions, but the Center did receive an email message from a third party seeming to speak on behalf of the Respondent, affirming that it would be willing to transfer the disputed domain name for USD 250.

#### **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. The Panel finds that all three of these elements have been met in this case.

##### **A. Identical or Confusingly Similar**

The first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the FACEBOOK mark by providing evidence of its trademark registrations.

The disputed domain name incorporates the FACEBOOK mark in its entirety with the terms “page” and “help” which do not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s FACEBOOK mark. See [WIPO Overview 3.0](#), section 1.8. The FACEBOOK mark remains recognizable for a showing of confusing similarity under the Policy

Based on the available record, the Panel finds the first element of the Policy has been established.

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

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent is not using the disputed domain name in connection with any *bona fide* offering of goods or services, (2) the Respondent is not a licensee of the Complainant, is not affiliated with the Complainant in any way, and the Complainant has not granted any authorization for the Respondent to make use of its FACEBOOK mark in a domain name or otherwise, (3) the Respondent is not commonly known by the disputed domain name, and (4) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Panel notes the Respondent’s reply to the Complainant’s cease and desist letter, in which he claimed to help people setup and maintain Facebook pages as well as shops. The Respondent also stated that it has not published the website yet. The Respondent did not submit any evidence showing that it made demonstrable preparations to use the disputed domain name. Even if it did, the Panel cannot conceive of any right or legitimate interest on the Respondent to use the disputed domain name for its alleged purposes, except with an authorization of the Complainant.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent’s favor.

Based on the available record, the Panel finds the second element of the Policy has been established.

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

Because the Complainants’ FACEBOOK mark is well known, and is registered in jurisdictions around the world, the Panel finds it likely that the Respondent was aware of the mark when it registered the disputed domain name. In the circumstances of this case, without the benefit of any explanation whatsoever from the Respondent as to a possible good faith use of the disputed domain name, such a showing is sufficient to establish bad faith registration of the disputed domain name.

The circumstances also demonstrate bad faith use of the disputed domain name in terms of the Policy. Where a disputed domain name is “so obviously connected with such a well-known name and products...its very use by someone with no connection with the products suggests opportunistic bad faith”. See, *Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No. [D2000-0226](#). Furthermore, from the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

Based on the available record, the Panel finds the third element 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 <facebookpagehelp.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: August 16, 2023