

ADMINISTRATIVE PANEL DECISION

**Meta Platforms, Inc. v. Registration Private, Domains By Proxy, LLC /
Zachery Tarr, Granite Consulting, LLC
Case No. D2022-0207**

1. The Parties

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

Respondent is Registration Private, Domains By Proxy, LLC, United States / Zachery Tarr, Granite Consulting, LLC, United States.

2. The Domain Names and Registrar

The disputed domain names <extrafacebookmoney.com>, <ezfacebookads.com>, <ezfacebookmoney.com>, and <findfacebookmoney.com> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 21, 2022. On January 24, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 25, and January 26, 2022, the Registrar transmitted by email to the Center its verification responses confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on January 31, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 21, 2022.

The Center appointed Sandra J. Franklin as the sole panelist in this matter on March 2, 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

Complainant, formerly known as “Facebook, Inc.”, is a social technology company. Complainant is the owner of the well-known FACEBOOK mark and holds registrations for the mark with various trademark authorities around the world, including the United States Patent and Trademark Office (“USPTO”) (Registration No. 3041791, registered January 10, 2006).

Respondent registered the <extrafacebookmoney.com>, <ezfacebookads.com>, <ezfacebookmoney.com>, and <findfacebookmoney.com> domain names (the “disputed domain names”) on February 10, 2019, and offers them for sale.

5. Parties’ Contentions

A. Complainant

- (1) The disputed domain names are confusingly similar to Complainant’s FACEBOOK mark.
- (2) Respondent does not have any rights or legitimate interests in the disputed domain names.
- (3) Respondent registered and is using the disputed domain names in bad faith.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

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

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

In view of Respondent’s failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant’s undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at section 4.3.

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the FACEBOOK mark based on registration of the mark with the USPTO.

The disputed domain names use Complainant's FACEBOOK mark and merely add the terms "ez", "money", "ads", "find", and "extra," along with the ".com" generic Top-Level Domain ("gTLD"). These changes are insufficient to prevent a finding of confusing similarity between the disputed domain names and Complainant's mark under Policy, paragraph 4(a)(i). See *Facebook, Inc. v. Antonio Priore, TechnoNet Group Inc. and Antonio Priore, Web and Apps*, WIPO Case No. [D2021-0757](#) ("in comparing Complainant's FACEBOOK with the disputed domain names, the Panel finds that the disputed domain names are confusingly similar to Complainant's mark. Each disputed domain name begins with Complainant's mark, followed by dictionary terms, namely, 'deals', 'gifts', and 'money transfer', respectively. It is the consensus view of UDRP panels that, in such cases, the addition of the terms does not prevent a finding of confusing similarity because Complainant's mark is clearly recognizable within the disputed domain names."). Thus, the Panel finds that the disputed domain names are confusingly similar to Complainant's FACEBOOK mark.

The Panel finds that Complainant has satisfied Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Once Complainant makes a *prima facie* case that Respondent lacks rights and legitimate interests in the disputed domain names under Policy, paragraph 4(a)(ii), the burden shifts to Respondent to show it does have rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.1.

Complainant argues that Respondent lacks rights and legitimate interests in the disputed domain names, as Respondent is not commonly known by the disputed domain names and has no license or consent to use the FACEBOOK mark. The Whois information for the disputed domain names lists the registrant as "Registration Private, Domains By Proxy, LLC / Zachery Tarr, Granite Consulting, LLC," which bears no resemblance to the disputed domain names. Therefore, the Panel finds that Respondent is not commonly known by the disputed domain names, and thus has no rights or legitimate interests under Policy, paragraph 4(c)(ii).

Complainant also argues that Respondent fails to use the disputed domain names for a *bona fide* offering of goods or services or a legitimate noncommercial or fair use, as the disputed domain names currently point to webpages offering them for sale. Such a general offer to sell disputed domain names, particularly including the well-known FACEBOOK trademark, does not qualify as a *bona fide* offering of goods or services or a legitimate noncommercial or fair use within the meaning of the Policy. Respondent has not made any other substantive use of the disputed domain names. Thus, the Panel finds that Respondent has no rights or legitimate interests under Policy, paragraphs 4(c)(i) or (iii). See [WIPO Overview 3.0](#), sections 2.2 and 2.4; see also *Turk cell Iletisim Hizmetleri A.S. v. Celile Gun*, WIPO Case No. [D2008-0128](#) ("Moreover, as the Complainant has adduced ample evidence to indicate the notoriety of its mark [...] and the fact that the domain name resolves to a website which purports to resell the domain name, indicates that the Respondent is not using the domain name for a *bona fide* offering of goods or services.").

The Panel finds that Complainant has satisfied Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Complainant argues that Respondent's use of the disputed domain names to offer them for sale constitutes bad faith under paragraph 4(b)(i) of the Policy. The Panel agrees, noting the worldwide fame of the FACEBOOK mark, and finds bad faith in Respondent's registration of, and offer to sell, the disputed domain names incorporating such a mark. See *General Electric Company v. John Bakhit*, WIPO Case No. [D2000-0386](#) ("Respondent has sought to profit from the mere registration as a domain name of a well-known trademark. Its use to direct Internet users to a website offering it for sale merely constitutes

advertisement of a bad faith offer. There is no evidence on the record of this proceeding that persuades the Panel that Respondent had a purpose for registering the disputed domain name other than for the purpose of selling it for a price in excess of its out-of-pocket costs directly related to the name. The Panel determines such registration and use to be in bad faith. The Panel determines that Respondent has registered and used the domain name 'general-electric.com' in bad faith within the meaning of paragraph 4(b)(i) of the Policy.”); see also *Meta Platforms, Inc. v. Ibsam Shahzad*, WIPO Case No. [D2021-3774](#) (<facebookcrpto.com> et al.).

Complainant also contends that Respondent registered the disputed domain names with actual notice of Complainant’s rights in the FACEBOOK mark based on the global fame of the mark. The Panel agrees and finds that Respondent had actual knowledge of Complainant’s rights in the FACEBOOK mark and therefore registered the disputed domain names in bad faith under Policy, paragraph 4(a)(iii).

The Panel finds that Complainant has satisfied Policy, paragraph 4(a)(iii).

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 <extrafacebookmoney.com>, <ezfacebookads.com>, <ezfacebookmoney.com>, and <findfacebookmoney.com> be transferred to Complainant.

/Sandra J. Franklin/

Sandra J. Franklin

Sole Panelist

Date: March 16, 2022