

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc v. Whois Agent, Domain Protection, Services, Inc. /
Muied Durrani
Case No. D2022-1154

1. The Parties

The Complainant is Meta Platforms, Inc, United States of America (“United States”), represented by Tucker Ellis, LLP, United States.

The Respondent is Whois Agent, Domain Protection, Services, Inc., United States / Muied Durrani, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <fastgetfacebooklikes.com> (the “Disputed Domain Name”) is registered with Name.com, Inc. (Name.com LLC) (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 2, 2022. On April 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 6, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on the same date 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 April 8, 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 Respondent of the Complaint, and the proceedings commenced on April 12, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 2, 2022.

By email dated April 12, 2022, the Respondent indicated that he would not renew the Disputed Domain Name, which was set to expire during the pendency of the present proceedings. By email dated April 13, 2022, the Respondent added that he emailed the registrar to “remove/unregister” the Disputed Domain Name.

On May 3, 2022, the Center notified the Parties that it would proceed to Panel appointment. On the same day, the Respondent communicated to the Center that he did respond and repeated that he did not renew the Disputed Domain Name. Following an email of the Center of May 4, 2022, the Respondent expressly confirmed his consent to transfer the Disputed Domain Name.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on May 12, 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

The Complainant, Meta Platforms, Inc., operates the Facebook social networking website and mobile application. The Complainant is the holder of numerous registered trademarks, including the following:

- FACEBOOK, United States (U.S.) trademark registered on July 25, 2006 with registration number 3,122,052 in class 38;
- FACEBOOK, European Union trademark registered on December 17, 2010 with registration number 009151192 in classes 9, 35, 36, 38, 41, 42 and 45.

The Disputed Domain Name <fastgetfacebooklikes.com> was registered on May 3, 2020. According to the evidence provided by the Complainant, the Disputed Domain Name redirected to another domain name, <sociotraffic.com>, which resolved to a commercial webpage that purportedly sold Facebook likes, views, and followers, along with similar services for other social platforms. The Disputed Domain Name currently appears to be inactive.

5. Parties' Contentions

A. Complainant

The Complainant considers the Disputed Domain Name to be confusingly similar to trademarks and service marks in which it claims to have rights. The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. According to the Complainant:

- the Respondent is not making a *bona fide* offering of goods or services at the Disputed Domain Name;
- the Respondent is not commonly known by the Disputed Domain Name;
- the Respondent is not making legitimate noncommercial or fair use of the Disputed Domain Name.

Finally, the Complainant considers that the Disputed Domain Name was registered and being used in bad faith to create a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, thereby taking advantage of the Complainant's mark for the Respondent's commercial gain.

B. Respondent

The Respondent did not reply to the Complainant's contentions, but has consented to transfer the Disputed Domain Name to the Complainant in an email communication filed with the Center on May 4, 2022.

6. Discussion and Findings

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The *onus* is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the Disputed Domain Name. As the UDRP proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

(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.

The Panel finds that the Complainant has established all three substantive elements of the Policy. However, the Panel need not make extensive findings in this regard, as it can be noted that where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the Center's Standard Settlement Form, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent (see section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

In the present case, the Panel observes that following a communication of the Center indicating that the Respondent may consent to the remedy requested by the Complainant, the Respondent expressly agreed to the transfer of the Disputed Domain Name by email of May 4, 2022. In the circumstances of this case, the Panel finds that such consent is sufficient to order the transfer of the Disputed Domain Name to the Complainant (see *Pierre Balmain S.A. v. Domains By Proxy, LLC / Daniel Phillips*, WIPO Case No. [D2015-0189](#), <balmainarmy.com>).

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 <fastgetfacebooklikes.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: May 26, 2022