

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Domain Administrator, See PrivacyGuardian.org /
Lianxin Zhou
Case No. D2022-2397

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 Domain Administrator, See PrivacyGuardian.org, United States / Lianxin Zhou, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <facebook-statistics.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 30, 2022. On July 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 5, 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 July 7, 2022 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 July 12, 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 July 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 2, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 3, 2022.

The Center appointed Chiang Ling Li as the sole panelist in this matter on August 10, 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., is a United States social technology company, and operates, *inter alia*, Facebook, Instagram, and WhatsApp.

The Complainant owns trademark registrations for FACEBOOK throughout the world, including the following:

- United States Registration No. 3041791, registered on January 10, 2006;
- Hong Kong, China Registration No. 300995743, registered on April 20, 2009.

The Respondent is Lianxin Zhou located in Hong Kong, China, and the disputed domain name was originally registered through a privacy service.

The disputed domain name is <facebook-statistics.com>, which was registered on July 6, 2016.

According to the evidence provided by the Complainant, the disputed domain name previously resolved to a website promoting and providing links for various third party sites and applications, most of which were dedicated to gambling and adult content.

5. Parties' Contentions

A. Complainant

Firstly, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark, FACEBOOK.

Secondly, the Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent is not known by the disputed domain name, nor is the Respondent using the disputed domain name in connection with any *bona fide* offering of goods or services, or any other legitimate noncommercial or fair use.

Thirdly, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, it is implausible that the Respondent was unaware of the Complainant when registering the disputed domain name, because the Complainant is well known throughout the world, including in China. As for use in bad faith, the Complainant asserts that the purpose of the reproduction of its well-known trademark FACEBOOK in the disputed domain name is to attract Internet users to the website promoting gambling and adult applications and sites, which cannot be regarded as fair use or use in good faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to prove that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has demonstrated trademark rights in FACEBOOK through registration and use. The disputed domain name is confusingly similar to the Complainant's trademark FACEBOOK, due to the incorporation of the entirety of the Complainant's trademark in the disputed domain name. The addition of the word "statistics" does not prevent a finding of confusing similarity under the first element. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Accordingly, the first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires the Complainant to prove that the Respondent has no rights or legitimate interests in the disputed domain name.

In this case, the Complainant has presented evidence that the Respondent has not used or made demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services, that the Respondent is not commonly known by the disputed domain name, and that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. In addition, the disputed domain name previously resolved to a website providing links for various third party sites and applications, most of which were related to gambling and adult content. The Respondent has not in any other way refuted the Complainant's *prima facie* case.

Accordingly, the second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to prove bad faith in registration and use of the disputed domain name.

The disputed domain name was registered in 2016, which is years after the FACEBOOK mark was registered. The notoriety of the FACEBOOK mark and the confusing similarity of the disputed domain name with that mark indicate that the Respondent knew or should have known about the Complainant's rights in FACEBOOK when registering the disputed domain name.

The Respondent has not demonstrated use of, or demonstrable preparations to use, the disputed domain names in connection with a *bona fide* offering of goods or services. Rather, at the time of filing of the Complaint, the disputed domain name resolved to a page redirecting users to, *inter alia*, gambling and adult applications and sites related to third parties. Therefore, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online locations, by creating a likelihood of confusion with the Complainant's FACEBOOK mark.

Accordingly, the third element of paragraph 4(a) of the Policy is satisfied.

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 <facebook-statistics.com> be transferred to the Complainant.

/Chiang Ling Li/

Chiang Ling Li

Sole Panelist

Date: August 24, 2022