

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Ahmed Mosed
Case No. D2022-4123

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 Ahmed Mosed, United States.

2. The Domain Names and Registrar

The disputed domain names <getfacebookcoin.com>, <getfacebookcoins.com>, <getfacebookcoins.net>, <getfacebookcoins.org>, <gofacebookcoins.com>, and <myfacebookcoins.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 November 2, 2022. On November 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 3, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 November 9, 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 November 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 7, 2022.

The Center appointed Evan D. Brown as the sole panelist in this matter on January 9, 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 provides social media and other technology services. It owns the mark FACEBOOK, for which it enjoys the benefits of registrations in many jurisdictions around the world (for example, United States Registration No. 3,814,888, registered on July 6, 2010).

According to the Whois records, the disputed domain names were registered on January 13, 2018. The Complainant asserts that the Respondent is using each disputed domain name to redirect to a commercial landing page that indicates such domain name “may be for sale” and displays a telephone number for users to verify the disputed domain name is for sale and to facilitate the purchase. The Complainant also asserts that five of the six disputed domain names have been flagged by security vendors as malicious, and the Complainant has provided documentary evidence of such flagging.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant’s trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and that the disputed domain names were registered and are being used in bad faith.

B. Respondent

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

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 names are 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 names, and (iii) the disputed domain names have been registered and are 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

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 names are identical or confusingly similar to that mark. This element under the Policy 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.

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.

Each of the disputed domain names incorporates the FACEBOOK mark in its entirety. This is sufficient for showing confusing similarity under the Policy. In each of the disputed domain names, the FACEBOOK mark

is accompanied by the words “get”, “go”, or “my” before it, and the words “coin” or “coins” following it. The presence of these other words does not eliminate the confusing similarity.

The Complainant has established this first element under the Policy.

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 lack rights or legitimate interests in respect of the disputed domain names. 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).

On this point, the Complainant asserts, among other things, that: (1) it has not licensed nor authorized the Respondent to use the FACEBOOK mark in the disputed domain names, nor does the Respondent have any legal relationship with the Complainant that would entitle the Respondent to use the FACEBOOK mark, (2) use of the FACEBOOK mark in the disputed domain names is not a noncommercial or fair use, (3) the Respondent is not making a *bona fide* offering of goods or services at the disputed domain names, (4) the Respondent has not been known by the Complainant’s FACEBOOK mark.

Further, the Complainant asserts that the Respondent is using each disputed domain name to redirect to a commercial landing page that indicates the disputed domain name “may be for sale” and displays a telephone number for users to verify the disputed domain name is for sale and to facilitate the purchase. The Respondent does not appear to have used any of the disputed domain names to resolve to websites with any substantive content or for any other substantive purpose. There is no evidence of the Respondent having made any demonstrable preparations to use the disputed domain names, such as evidence of business formation-related due diligence/legal advice/correspondence, evidence of credible investment in website development or promotional materials such as advertising, letterhead, or business cards, proof of a genuine (*i.e.*, not pretextual) business plan utilizing the disputed domain names, or any credible signs of pursuit of such a business plan; see [WIPO Overview 3.0](#), section 2.2.

The Panel finds that the Complainants have 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.

The Complainant has established the second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires the Complainant to establish that the disputed domain names were registered and are being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent’s bad faith registration and use.

Paragraph 4(b)(i) of the Policy provides that evidence of bad faith registration and use is shown in “circumstances indicating that [the Respondent has] registered or [has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the Respondent’s] documented out-of-pocket costs directly related to the domain name”. See *Meta Platforms, Inc., Instagram, LLC v. John Corona, Patriots Act LLC*, WIPO Case No. [D2022-3559](#).

Because the Complainant’s mark is well known, and is registered in jurisdictions around the world including in the United States where the Respondent appears to be located, the Panel finds it likely that the Respondent was aware of the mark when he registered the disputed domain names. In the circumstances of this case, without the benefit of any credible explanation or relevant evidence from the Respondent as to a

possible good faith use of the disputed domain names, such a showing is sufficient to establish bad faith registration of the disputed domain names.

The circumstances also demonstrate bad faith use of the disputed domain names 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 and Christiandior.net*, WIPO Case No. [D2000-0226](#). Further, the Respondent is using each disputed domain name to redirect to a commercial landing page that indicates the disputed domain name “may be for sale”. Therefore, the Panel finds that the Respondent has registered the disputed domain names most likely for the purpose of selling them to the Complainant or a competitor of the Complainant. The Panel also considers the apparent presence of malware in use in connection with five of the six the disputed domain names to be an indicator of bad faith.

Moreover, panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the Complainant has satisfied this third UDRP element.

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 <getfacebookcoin.com>, <getfacebookcoins.com>, <getfacebookcoins.net>, <getfacebookcoins.org>, <gofacebookcoins.com>, and <myfacebookcoins.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: January 23, 2023