

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Andrea Truman, TMG
Case No. D2023-0982

1. The Parties

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

The Respondent is Andrea Truman, TMG, United States.

2. The Domain Name and Registrar

The disputed domain name <facebookcenter.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 March 3, 2023. On March 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 8, 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 March 13, 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 March 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2023. The Respondent sent several communications on March 8, 21, and 23, 2023, and on April 3 and 20, 2023 but did not submit a formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on April 20, 2023.

The Center appointed William F. Hamilton as the sole panelist in this matter on May 2, 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 Meta Platforms, Inc. (“Meta”) operates the world-famous Facebook social networking website and mobile applications. Facebook has over two billion monthly active users around the world. Meta owns numerous registrations around the world for the mark FACEBOOK, the earliest of which is United States Registration No. 3,122,052, registered on July 25, 2006.

The disputed domain name was registered on December 16, 2022. The disputed domain name does not resolve to an active website.

5. Parties’ Contentions

A. Complainant

The Complainant asserts the disputed domain name is confusingly similar to the Mark because the disputed domain name adopts the FACEBOOK Mark entirely and merely adds the dictionary word “center” as a suffix to the FACEBOOK Mark. The Complainant asserts that the Complainant never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, never operated a business under the disputed domain name, has not advertised the disputed domain name, and never engaged in any *bona fide* commercial activity in connection with the disputed domain name. The Complainant asserts that the Respondent knew or should have known of the Mark with reasonable investigation and registered and used the disputed domain name in bad faith.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions. However, the Respondent has sent email communications offering to transfer the disputed domain name.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s Mark.

The disputed domain name is composed of the FACEBOOK Mark which is immediately followed by the dictionary word “center” rendering the disputed domain name confusingly similar to the FACEBOOK Mark. *Giorgio Armani S.p.A Milan Swiss Branch Mendrisio v. Mage Enterprises Inc.*, WIPO Case No. [D2011-1172](#). A domain name which wholly incorporates a complainant’s registered mark is sufficient to establish

confusingly similarity for the purposes of the Policy when, as here, the addition of the term “center” to the FACEBOOK Mark. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7; *Nomura International Plc / Nomura Holdings, Inc. contre Global Domain Privacy / Nicolas Decarli*, WIPO Case No. [D2016-1535](#). See also [WIPO Overview 3.0](#), section 1.8 (“where the relevant trademark is recognizable with the disputed domain name, the additions of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”).

The generic Top-Level Domain (“gTLD”) of the disputed domain name, in this case “.com”, may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1. See *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#).

The Complainant has met its burden under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel finds on the evidence presented that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has specifically disavowed providing the Respondent with permission to use the disputed domain name or the FACEBOOK Mark. There is no evidence that the Respondent has conducted any *bona fide* business under the disputed domain name or is commonly known by the disputed domain name. The Complainant has established a *prima facie* case in its favor, which shifts the burden of production on this point to the Respondent.

The Respondent, however, has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name. The disputed domain name does not resolve to an active website, and the disputed domain name will likely confuse unsuspecting Internet users into believing the disputed domain name should resolve to a website associated, sponsored, or affiliated with the Complainant.

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following non-exhaustive scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name 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; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the

complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds on the evidence presented that the disputed domain name was registered and is used in bad faith.

The FACEBOOK Mark is famous in the United States where the Respondent resides. It strains credulity to believe that the Respondent innocently and unknowingly composed the disputed domain name by attaching the word "center" to the Complainant's FACEBOOK Mark. The Panel finds that the Respondent was aware of the Complainant's well-known FACEBOOK Mark when registering and using the disputed domain name to attract unsuspecting Internet users to the Respondent's website.

The disputed domain name does not resolve to an active website and has been flagged by several security vendors as malicious in connection with phishing.

The circumstances of this case require the conclusion that the disputed domain name was registered in bad faith. The FACEBOOK Mark is well-known; the disputed domain name is an obvious attempt to attract unsuspecting Internet users; the Respondent did not formally respond to the Complaint; and the Respondent in its informal communications after the filing of the Complaint agreed to the transfer of the disputed domain name.

The Panel finds that the Respondent specifically targeted the Complainant and its Mark and that the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.. The Complainant has met its burden under paragraph 4(a)(iii) of the Policy.

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 <facebookcenter.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: May 8, 2023