

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Social Dev

Case No. D2024-4975

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 Social Dev, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <fbload.online> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 2, 2024. On December 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 2024, 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 December 5, 2024, 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 December 10, 2024.

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 December 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2025.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on January 20, 2025. 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 is a company headquartered in California, United States. It was formerly known as Facebook Inc.

The Complainant operates *inter alia* the Facebook, Instagram, Meta Quest and WhatsApp platforms. It was founded in 2004 and is a leading provider of online social-media and social-network services.

As of September 2018, the Complainant had 2.27 billion users. At the date of this Complaint the Complainant had over 3 billion monthly active users. It states that it possesses multiple registrations and well-known trademarks consisting of or including the FACEBOOK and FB trademarks. It is also registrant of numerous domain names consisting of or including FACEBOOK and FB trademarks under a wide range of generic Top-Level Domains ("gTLD's") as well as country-code Top-Level Domains ("ccTLD's").

The relevant registrations of the Complainant ("the FACEBOOK and FB Trademarks") include:

Jurisdiction	Number	Trademark	Registration Date	Class
United States	3041791	FACEBOOK	January 10, 2006	35 and 38
European Union	005585518	FACEBOOK	May 25, 2011	35, 41, 42 and 45
Pakistan	248352	FACEBOOK	March 31, 2008	45
European Union	018146501	FB	November 7, 2020	9, 35, 36, 38, 41, 42 and 45
United States	4659777	FB	December 23, 2014	35

The disputed domain name was registered on March 9, 2023. A website that purports to offer a tool to download videos from the Facebook platform (as well as from other platforms) is located at the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its FB Trademark. It further states that, as a result of these registrations and the fact that international and online dictionaries consistently refer to the Complainant's FACEBOOK Trademark as FB, it has a demonstrable reputation and goodwill in the FB Trademark.

The Complainant states that the disputed domain name comprises the Complainant's FB Trademark in its entirety with the addition of the descriptive term "load" under the gTLD ".online". It asserts that the inclusion in the disputed domain name of its FB Trademark in its entirety is sufficient to establish confusing similarity.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard it states that the Respondent is not a licensee nor is it affiliated with the Complainant in any way. Further, the Complainant asserts that, prior to this dispute, the Respondent was not using nor had it made any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

As to the well-known *Oki Data* test (devised to ascertain whether a respondent is making a bona fide offering of the Complainant's goods or services) the Complainant states that:

- (a) The Respondent is not a bona fide service provider as it does not provide sales or repairs in respect of or in relation to the proper use of the Complainant's Facebook platform. Instead, it provides a tool for unauthorized downloading of content from the Complainant's Facebook platform in breach of the Complainant's Developer Policies and in breach of the Complainant's Terms of Services;
- (b) The Respondent is not using the website located at the disputed domain name to sell trademarked services. The website also provides links to download tools for third party services;
- (c) Although the Respondent has a "Disclaimer" page on its website at the disputed domain name there is no disclaimer-like statement on the home page. Further, the "Disclaimer" page does not clarify the non-affiliation between the Respondent's website and the Complainant. As a result, the Complainant asserts that the Respondent's website does not prominently disclose the lack of any relationship with the Complainant;
- (d) The Complainant asserts that the Respondent is not commonly known by the disputed domain name. The registrant details for the Respondent are heavily redacted. It is disclosed only as "Social Dev". The Complainant further states that there is no evidence of the Respondent having acquired or applied for any trademark registration for "Fbload".

The Complainant further states that the Respondent is not currently making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers within the meaning of paragraph 4(c)(iii) of the Policy.

Finally, the Complainant asserts that the disputed domain name has been registered and is being used in bad faith. The Complainant states that the Respondent's prior knowledge of the Complainant's FACEBOOK and FB Trademarks is made clear from the context of the Respondent's website which offers a tool for unauthorized downloading of FB content.

The Complainant infers from the foregoing facts that the Respondent registered the disputed domain name with a view to attracting Internet users to its website.

The Complainant also states that the Respondent is using the disputed domain name in bad faith because the downloading of content from the Complainant's Facebook platform may place the privacy and security of users of the platform at risk. Further, the use on the Respondent's website of a blue and white color scheme that is very similar to the Complainant's Facebook platform seeks to target the Complainant's trademark to create an impression of association with the Complainant.

The Complainant concludes by stating that:

- (a) The Respondent's Disclaimer page is insufficient to cure bad faith;
- (b) That the presence of commercial banners for other traders' products on the website at the disputed domain name is further evidence of bad faith;
- (c) The Respondent's failure to respond to the Complainant's cease and desist letter is an additional indication of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Complainant's FB Trademark is clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the disputed domain name was registered in bad faith for the following reasons:

(a) The Panel finds that the Complainant has clearly demonstrated that it has rights in its FACEBOOK and FB Trademarks. The Complainant has shown its own consistent use of its FB Trademark in its own business when providing such services such as FB News Wire, Fb.gg gaming video hub and Meta, a program for developers. Further, the Complainant's FACEBOOK and FB Trademarks have a well-established and widespread reputation in respect of the Complainant's goods and services as a result of the Complainant's worldwide operations, trading history and length of use of those trademarks since 2004;

(b) The Respondent clearly knew of the Complainant's FACEBOOK and FB Trademarks when it registered the disputed domain name. This knowledge is evidenced by the totality of the circumstances. The Panel relies on the fact that shortly after registration the Respondent established a website linked to the disputed domain name. This website is designed to make Internet users believe that the disputed domain

name is connected with the Complainant or licensed by it. The website uses the distinctive blue and white colors adopted and used by the Complainant. It opens with the banner heading “Download Facebook Videos”.

The Panel is also satisfied that the Respondent is using the disputed domain name in bad faith for the following reasons:

- (a) The disputed domain name and the linked website are being used to attract Internet users who recognize FB as an established abbreviation for Facebook. In addition, the Respondent’s use of a blue and white color scheme on its website at the disputed domain name and the banner headline “Download Facebook Videos” creates a combination that will lead many Internet users to consider that the disputed domain name is connected with or licensed by the Complainant.
- (b) The fact that the disputed domain name and its website offer an unauthorized tool to Internet users disrupts the Complainant’s legitimate business and legitimate use of its own FACEBOOK and FB Trademarks;
- (c) The Panel agrees with the Complainant that the Disclaimer page at the Respondent’s website is insufficient to cure the misleading and deceptive use of the disputed domain name. The Disclaimer is not expressed as a disclaimer of any connection with the Complainant. Rather it is a disclaimer of any live site. Given the likelihood that many Internet users will consider the website and disputed domain name are part of the Complainant or are associated with or licensed by it, it is both misleading and ironic that the Disclaimer page “makes no representation or warranty of any kind, expressed or implied, regarding the accuracy, adequacy, validity, reliability, availability, or completeness of any information on the Website.”

The Panel relies on the statement of principle in [WIPO Overview 3.0](#), section 3.7 that a disclaimer is insufficient and ineffective when the Respondent has not taken reasonable steps to avoid passing itself off as related to the Complainant. See also *WhatsApp Inc. v WhoisGuard Protected, WhoisGuard, Inc/Mohsen Moussawi*, WIPO Case No. [D2021-0032](#).

- (d) The Panel is also entitled to draw and does draw an adverse inference from the failure of the Respondent to respond to the Complaint and to the factual allegations made by the Complainant;
- (e) The fact that the website at the disputed domain name also provides under the heading “Other Tools” links to a Spotify downloader, a TikTok downloader and a Pinterest downloader also shows use in bad faith.
- (f) The Respondent is seeking to gain commercial benefit from promoting these tools but is using the Complainant’s FB Trademark to achieve this.

The Panel finds the third element of the Policy has been established.

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 <fbload.online> be transferred to the Complainant.

/Andrew Brown K.C./

Andrew Brown K.C.

Sole Panelist

Date: January 31, 2025