

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Malika BZDRR
Case No. D2024-5326

1. The Parties

The Complainant is Meta Platforms, Inc., United States of America (“USA”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Malika BZDRR, Pakistan.

2. The Domain Names and Registrar

The disputed domain names <facebookvideodownloader.cc>, <facebookvideodownloader.tools>, <fbdownloaders.com>, <fbdownloaders.net>, <fbdown2.com>, <fbvideodownloaders.net>, <fbvideodownloaders.org>, and <fbvideodownloader.tools> are registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 27, 2024. On December 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 2, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 2025, 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 January 6, 2025.

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 January 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 29, 2025.

The Center appointed Stefan Abel as the sole panelist in this matter on February 4, 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 social media technology company, based in the USA. It operates, in particular, a social media platform under the name Facebook. Facebook was founded in 2004, has achieved one billion users worldwide by September 2012 and over two billion daily active users on average worldwide as of December 2023.

The Complainant owns numerous trademark registrations for FACEBOOK and its abbreviation FB in numerous jurisdictions for its platform services that have been registered several years ago including registrations for FACEBOOK in the USA (No. 3122052, registered on July 25, 2006), in the European Union (No. 005722392, registered on April 29, 2008) and in Pakistan (No. 248352, registered on March 31, 2008). The trademark FB has been registered for the Complainant in the European Union in 2011 (No. 008981383, registered on August 23, 2011), in the USA (No. 4659777, registered on December 23, 2014) and in India in 2019 (No. 4337405, registered on November 4, 2019).

Further, a blue and white *f* - favicon has been registered as figurative trademark for the Complainant inter alia in the European Union in 2011 (No. 009776601, registered on November 22, 2011) and in the USA in 2016 (No. 4978379, registered on June 14, 2016). The color scheme of the Facebook platform is blue and white, too.

The disputed domain names were each registered on December 28, 2023. They are hosted on the same name server (Cloudflare) and were registered via the same Registrar (Dynadot, LLC) under the same proxy service (Superprivacy Service Ltd. c/o Dynadot).

Each of the disputed domain names redirect to a website (either at “fbdown.net.in” or “fbdown2.com”) purporting to offer tools that enable Internet users to download videos from the Facebook platform. On the website at “fbdown2.com”, it is purported that videos from other platforms such as YouTube may be downloaded, too. The websites at “fbdown.net.in” and “fbdown2.com” are both entitled “FBDown”, preceded by a favicon-style logo containing the letter “f” on a turquoise background using (apart from the *f*-logo) a blue and white color scheme. The two respective websites, the disputed domain names are redirecting to, contain each the explicit statement that users may face restrictions in downloading videos from the Facebook platform and that the websites, the disputed domain names are redirecting to, provide an Internet tool free of charge enabling an easy download of any video from Facebook.

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 names.

Notably, the Complainant contends that the Complainant’s Facebook platform is commonly referred to as “FB”. The platform is a leading provider of online social media and social networking services.

The Complainant submits that the presence of its FACEBOOK or FB trademarks in the disputed domain names is sufficient to establish confusing similarities between the disputed domain names and the Complainant’s trademarks. The Respondent’s addition of descriptive terms to the Complainant’s trademarks does not prevent a finding of confusing similarity as the Complainant’s trademarks remain clearly recognizable as the leading elements in the disputed domain names.

The Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services. The Respondent is making an unauthorized use of the Complainant's trademarks to market its own ancillary services. In addition, the use of tools to download content may put the security of Facebook users at risk facilitating breach of the Facebook terms of service. Contents scraped from the Facebook platform may be stored and later used for unauthorized purposes by third parties. Moreover, as there is no disclaimer on the Respondent's websites, Internet users are likely to be misled into believing that these services offered via the Respondent's websites are endorsed or otherwise approved by the Complainant.

The Respondent is not making a legitimate non-commercial or fair use of the disputed domain names as the nature of the disputed domain names themselves is such that they carry the risk of implied affiliation with the Complainant. Moreover, previous UDRP panels have held that the use of domain names to offer tools to download content from the Complainant's platforms does not constitute a legitimate or fair use of a domain name.

Given the highly distinctive and famous character of the Complainant's Facebook trademark throughout the world, the explicit reference to the Complainant's Facebook platforms and the lookalike character with respect to the Complainant's *f*-favicon as well as the blue and white color scheme there can be no doubt that the Respondent has registered the disputed domain names in bad faith.

The disputed domain names are being used in bad faith, too, as the websites at the disputed domain names offer tools that enable Internet users to download content from Facebook. Moreover, the Respondent is seeking to target at the Complainant's trademark to create the impression of association and to divert traffic to the disputed domain names.

B. Respondent

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

6. Discussion and Findings

The Policy provides for a transfer or cancellation of the disputed domain name if the Complainant established each of the following elements set out in paragraph 4(a) of the Policy:

- (i) The Respondent's 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.

Paragraph 4(b) of the Policy sets out certain circumstances which, in particular, but without limitation, shall be evidence of registration and use of the domain name in bad faith.

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of the trademark FACEBOOK and of the trademark FB for the purposes of the Policy.

The Panel finds, that the disputed domain names <facebookvideodownloader.cc> and <facebookvideodownloader.tools> are confusingly similar to the Complainant's registered trademark FACEBOOK. The disputed domain names consist of this trademark in combination with the terms "video" and "downloader". The Panel finds that "videodownloader", when preceded by the Complainant's trademark,

is perceived by the public as a purely descriptive element indicating video download services at the site. The addition of the terms “video” and “downloader” therefore do not prevent a finding of the confusing similarity.

The same applies to the other disputed domain names <fbdownloaders.com>, <fbdownloaders.net>, <fbdown2.com>, <fbvideodownloaders.net>, <fbvideodownloaders.org>, and <fbvideodownloader.tools>. They are confusingly similar to the Complainant’s registered trademark FB. The disputed domain names consist of this trademark in combination with the terms “video”, “downloader(s)” and/or “down2”. Again, the terms “video” and “downloader(s)”, when preceded by the Complainant’s trademark, are perceived by the public as purely descriptive elements indicating a (video) download facility at the site. Similarly, the elements “down” and “2” may be read as referring to the downloading of content shared on the Complainant’s Facebook platform.

The country-code Top-Level Domain (“ccTLD”) “.cc” and the generic Top-Level Domain (“gTLD”) “.tools”, “.com”, and “.net”, are viewed as a standard registration requirement and as such are disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the paragraph 4(a)(i) of the Policy is satisfied for each of the disputed domain names.

B. Rights or Legitimate Interests

There is no indication that the Respondent is licensed or otherwise authorized by the Complainant to use its registered trademarks or to register the disputed domain names.

The elements “facebook” and “fb” of the disputed domain names are not used as a designation for a person or a company other than the Complainant or for services or products other than those provided by the Complainant.

Rather, the Respondent uses the disputed domain names in a misleading manner. The Complainant’s trademarks are not only used in the disputed domain names. The websites at the disputed domain names display before the title “FBDown” a logo containing an “f” which is similar to the Complainant’s figurative F trademark. In addition, the websites use the blue and white color scheme of the Complainant’s Facebook platform. A disclaimer, indicating that the websites under the disputed domain names are not run by the Complainant but by a different company not affiliated with the Complainant is not apparent.

The use of the disputed domain names is not connected with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. It is stated at the websites under the disputed domain names that the download tool offered on the site enables video downloads despite technical restrictions to do so provided on the video platform. In addition, the *Oki Data* criteria for a bona fide offering of goods (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) are not met as the websites at the disputed domain names do not accurately and prominently disclose the Respondent’s relationship with the Complainant but, to the contrary, conceal for the reasons set out above that there is no such relationship.

As the websites at the disputed domain names, by using a “f” logo similar to the F trademark and favicon of the Complainant, by using the Complainant’s blue and white color scheme and by omitting any disclaimer that there is no affiliation with the Complainant, creates the impression of affiliation with the Complainant, rights and legitimate interests in the meaning of paragraph 4(c)(iii) of the Policy are not apparent, too. The Respondent is not making a legitimate non-commercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers. Rather, it is apparent that the Respondent intends to misleadingly divert consumers.

The Panel therefore finds that the Complainant has met the element of paragraph 4(a)(ii) of the Policy. The Complainant has successfully made out a prima facie case. The evidentiary burden therefore shifts to the Respondent to come forward with appropriate allegations and evidence demonstrating rights or legitimate interests in the disputed domain names. See, e.g., *Accor v. Eren Atesmen*, WIPO Case No. [D2009-0701](#). The Respondent has failed to do so.

C. Registered and Used in Bad Faith

The Panel finds that Complainant has established the element of paragraph 4(b)(iv) of the Policy, too, for the following reasons:

The trademarks FACEBOOK and FB are well-known in many areas of the world. In particular, the trademark FACEBOOK is registered in the country where the Respondent is reportedly located, too.

The Complainant has registered and used the trademarks FACEBOOK and FB many years before the disputed domain names have been registered.

The Respondent uses a “f” logo on the website at the disputed domain names which is similar to the F favicon and registered trademark of the Complainant as it contains the same letter and form of a favicon. The blue and white color scheme of the Complainant’s Facebook website is used as well on the website at the disputed domain names.

In the Panel’s view, Internet users are therefore likely to get the idea that the Respondent’s sites at the disputed domain names are sponsored by the Complainant or affiliated with the Complainant. That likelihood of confusion will likely attract more consumers to the sites as the disputed domain names which results in commercial gain as traffic is increased.

The Panel finds that the Respondent acted intentionally. It is not conceivable to the Panel that the Respondent could have registered the disputed domain names without having the Complainant and its trademarks in mind. The Respondent’s intention to use the disputed domain name as a reference to the Complainant and its services is obvious to the Panel considering that no rights or legitimate interests in using the disputed domain name are apparent, that the Complainant’s trademarks have been registered and used many years before the registration of the disputed domain name, that FACEBOOK and FB are well-known trademarks in many countries all over the world.

The Panel concludes, that by using the disputed domain names for sites offering download tools for videos of the Complainant’s social media platforms, and by using similar trademarks and colour schemes at the site the disputed domain names are redirected to, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship and affiliation of the website (paragraph 4(b)(iv) of the Policy).

See in this regard *Meta Platforms, Inc. v. Muhammad Shahbaz*, WIPO Case No. [D2024-0288](#).

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 <facebookvideodownloader.cc>, <facebookvideodownloader.tools>, <fbdownloaders.com>, <fbdownloaders.net>, <fbdown2.com>, <fbvideodownloaders.net>, <fbvideodownloaders.org>, and <fbvideodownloader.tools> be transferred to the Complainant.

/Stefan Abel/

Stefan Abel

Sole Panelist

Date: February 18, 2025