

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. เกือบตะวัน พันธุ์ท่าช้าง
Case No. D2025-0384

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 เกือบตะวัน พันธุ์ท่าช้าง, Thailand.

2. The Domain Name and Registrar

The disputed domain name <fbads88.com> (the “Disputed Domain Name”) 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 January 31, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 3, 2025, 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 February 5, 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 February 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 February 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. The Respondent sent an email communication to the Center on February 6, 2025. On February 28, 2025, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Nicholas Weston as the sole panelist in this matter on March 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.

The Respondent sent an additional email communication to the Center and filed a late Response on March 4, 2025.

4. Factual Background

The Complainant ("Meta") is a United States social technology company that operates a number of businesses including Facebook, Instagram, Meta Quest (formerly Oculus), and WhatsApp. Founded in 2004, the Complainant's Facebook platform, commonly referred to as "FB", is a leading provider of online social-media and social-networking services. The Complainant holds a portfolio of registrations for the trademarks FACEBOOK and FB, and variations of them, in numerous jurisdictions including, relevantly, European Union Trademark No. 008981383 for the mark FB, registered in class 45 on August 23, 2011; and United States Trademark Registration No. 4659777 for the mark FB, registered in class 35 on December 23, 2014.

The Complainant owns numerous domain names that comprise or contain the trademarks FACEBOOK and FB, respectively, including the domain name <facebook.com>, and the domain name <fb.com>.

The Disputed Domain Name was registered on February 11, 2024. The Disputed Domain Name resolves to a webpage in Thai that purports to offer for sale Facebook advertising accounts, "likes", and "followers".

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 cites its trademark registrations in various jurisdictions for the trademarks FACEBOOK and FB, as prima facie evidence of ownership.

The Complainant submits that its rights in the marks FACEBOOK and FB predate the Respondent's registration of the Disputed Domain Name. It submits that the Disputed Domain Name is confusingly similar to its FB trademark, because the Disputed Domain Name is comprised of the FB trademark and that the addition of the terms "ads", the number "88", and the generic Top-Level Domain ("gTLD") ".com" is not sufficient to avoid the confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the "[t]he Respondent is not a licensee of the Complainant, nor has it been otherwise authorised or allowed by the Complainant to make any use of its trade marks, in a domain name or otherwise" and submits that none of the circumstances set out in paragraph 4(c) of the Policy apply. It also submits that "[t]he Respondent is using the [Disputed] Domain Name to redirect Internet users to its website that purports to offer for sale Facebook accounts, 'likes', and 'followers'" and that this is not bona fide use.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules having regard to evidence that points to knowledge of the Complainant and its trademarks, and, it submits that "given the composition of the [Disputed] Domain Name and the content of the Respondent's website as detailed above, the Respondent could not reasonably argue that it did not have the Complainant's FB trade mark in mind at the time of registration of the [Disputed] Domain Name." The Complainant also submits that "by using the [Disputed]

Domain Name to redirect the public to a website purporting to offer Facebook accounts, 'likes', and 'followers' for sale, the Respondent is using the [Disputed] Domain Name to intentionally attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of the Websites, in bad faith pursuant to paragraph 4(b)(iv) of the Policy."

B. Respondent

The Respondent has made no formal response to the Complainant's contentions. However, the Respondent sent an informal email communication to the Center on February 6, 2025, asking what is happening with the Disputed Domain Name. He further submitted a Response and another informal electronic communication on March 4, 2025. In his Response and communication, the Respondent stated as follows:

"Now I don't really understand the situation and I'm not very good at English, but this domain expired on the 11th and I didn't renew it. What should I do next?"

"Now my domain has not been renewed and has expired. What shall I do next?"

6. Discussion and Findings

6.1 Preliminary Issue - Respondent's Late Response and Communications

As a preliminary matter, the Panel will consider whether the Respondent's late Response and informal email communication with the Center of March 4, 2025 will be considered in this Decision.

Under paragraph 10 of the Rules, the panel has the authority to determine the admissibility, relevance, materiality and weight of the evidence, and to conduct the proceedings with due expedition. Paragraph 14(a) of the Rules also provides: "[i]n the event that a Party, in the absence of exceptional circumstances, does not comply with any of the time periods established by these Rules [...], the Panel shall proceed to a decision on the complaint."

In the present case, the Panel sees no 'exceptional circumstances' nor any reason why the Respondent failed to submit its Response by the deadline of February 26, 2025. Accordingly, the Panel will not take into account the late Response and the Respondent's email communication of March 4, 2025.

6.2 Substantive Issues

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been registered and is being used in bad faith.

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 Panel finds that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any jurisdiction. [WIPO Overview 3.0](#), section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark FB.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the FB trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark FB; (b) followed by the term "ads"; (c) followed by the number "88"; and (d) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "fbads88".

The Panel finds that the entirety of the mark is reproduced 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 Disputed 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

The Panel notes that the Complainant has not licensed or otherwise authorized the Respondent to use its trademarks. The use of the Complainant's trademark FB in the Disputed Domain Name and the use of the FACEBOOK trademark and a version of the Complainant's "F" logo on the Respondent's website, and the content of that webpage, makes it abundantly clear that the Respondent is well aware of the Complainant's trademark. The Panel finds that the Respondent's activities do not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name coupled with its use and the goodwill of the Complainant's trademark, the Panel is satisfied that the Respondent deliberately targeted the Complainant's trademarks when it registered the Disputed Domain Name. (See *Meta Platforms, Inc. v. Social Dev*, WIPO Case No. [D2024-4975](#) ("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"); and *Facebook Inc. v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Fernando Becker*, WIPO Case No. [D2020-2909](#) ("[t]he Complainant's FACEBOOK and FB trade marks are famous throughout the world and the latter is commonly used to refer to Facebook.").

This Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Name other than to trade off the reputation and goodwill of the Complainant's trademarks. [WIPO Overview 3.0](#), section 3.1.4.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name was used to host a website that purports to offer for sale Facebook advertising accounts, "likes", and "followers" to Internet users. The Panel is of the view that the Respondent has used the Disputed Domain Name, to attract Internet users for commercial gain, which falls squarely within the meaning of paragraph 4(b)(iv) of the Policy.

Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <fbads88.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: March 7, 2025