

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Huynh Van Dat
Case No. D2025-0645

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 Huynh Van Dat, Viet Nam.

2. The Domain Names and Registrar

The disputed domain names <fbvip.net> and <fbvip.online> are registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 18, 2025. On February 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 20, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 19, 2025.

The Center appointed Anna Carabelli as the sole panelist in this matter on March 21, 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 United States social technology company and operates, inter alia, Facebook, Instagram, Meta Quest (formerly Oculus), and WhatsApp.

The Complainant's Facebook platform (Facebook), commonly referred to as "FB" is one of the leading providers of online social networking services. Since its launch in 2004, Facebook has rapidly developed considerable renown worldwide including Viet Nam, where the Respondent is purportedly based. According to Data.ai Top Apps Ranking in 2025, Facebook is the 4th most downloaded mobile application worldwide and the 16th in Viet Nam.

The term "FB" commonly refers to Facebook and has been used by international publications, such as The New York Times, "Generation FB" dated June 23, 2011, and The Guardian, "Who are the most social publishers on the web?", (referencing "FB Likes, FB Shares, FB Comments") dated October 3, 2013.

The Complainant is the owner of numerous trademark registrations for FACEBOOK and FB in various jurisdictions, including the following:

- United States trademark registration No. 3041791, FACEBOOK, registered on January 10, 2006;
- United States trademark registration No. 4659777, FB, registered on December 23, 2014;
- European Union trademark registration No. 008981383, FB, registered on August 23, 2011;
- European Union trademark registration No. 018146501, FB, registered on November 7, 2020;
- International trademark registration No. 1075807, FACEBOOK, registered on July 16, 2010.

The Complainant also owns numerous figurative trademarks, including:

- United States figurative trademark No. 4978379,



, registered on June 14, 2016; and

- European Union figurative trademark No. 014997878,



, registered on April 20, 2020,

(hereinafter collectively referred to as the "Complainant's Figurative Marks")

The Complainant is the owner of numerous domain names comprising the Complainant's FACEBOOK and FB trademarks, registered under various generic Top-Level Domains as well as country code Top-Level Domains, such as <facebook.com> and <fb.com>.

The disputed domain names were both registered on March 25, 2024.

As per the uncontested evidence submitted with the Complaint:

- the disputed domain name <fbvip.net> resolved to a website in Vietnamese, prominently displaying the Complainant's Figurative Marks and allegedly offering a social media optimization tool for different applications (e.g., Facebook, Tik Tok, You Tube, and etc.). Moreover, Internet users were offered to purchase, inter alia, "Likes" and "Followers" on Facebook with a variety of pricing packages available;
- The disputed domain name <fbvip.online> does not resolve to an active webpage.

At the time of this decision, the disputed domain name <fbvip.net> also appears to be inactive.

On January 16, 2025, the Complainant sent a cease-and-desist letter to the Respondent and received no reply.

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, and FB marks as well as the Complainant's Figurative Marks are highly distinctive and famous worldwide, as recognized in previous UDRP decisions (see *Meta Platforms, Inc. v. 陈丽婷 (Chen Li Ting)*, WIPO Case No. [D2023-1740](#); *Facebook, Inc. v. Batyi Bela, Whois privacy services, provided by DomainProtect*, WIPO Case No. [D2020-2683](#));
- The disputed domain names are confusingly similar to the Complainant's FB mark;
- The Respondent has no rights or legitimate interests in respect of the disputed domain names since: (i) the Respondent has not been authorized or somehow given consent by the Complainant to register and use the disputed domain names, and is not commonly known by the disputed domain names; (ii) the Respondent's use of the disputed domain names is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use;
- The disputed domain names were registered and are being used in bad faith. The Respondent has registered and used the disputed domain names with knowledge of the Complainant and to capitalize on the Complainant's considerable goodwill and reputation, to attract for commercial gain Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant and its trademarks.

Based on the above the Complainant requests the disputed domain names be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if proved by the respondent, shall be evidence of the respondent's rights to or legitimate interests in a disputed domain name for the purpose of paragraph 4(a)(ii) of the Policy above.

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 entirety of the FB mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "vip", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the Top-Level Domain, such as ".net" and ".online", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The composition of the disputed domain names (comprising of the Complainant's FB mark) creates a risk of confusion and implied affiliation with the Complainant, contrary to the fact. Further, the disputed domain name <fbvip.net> has been used for a website allegedly offering a social media optimization tool for different applications, while the disputed domain name <fbvip.online> is inactive. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and therefore does not give rise to rights and legitimate interests of the Respondent in the disputed domain names.

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 Complainant's FB mark has been continuously and extensively used globally for many years and has, as a result, acquired considerable reputation and goodwill worldwide. In view of the well-known character of the FB mark, it is difficult to believe that the Respondent did not have in mind the Complainant's mark when registering the disputed domain names. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Indeed, in the specific case, the content of the Respondent's website at the disputed domain name <fbvip.net> establishes both the Respondent's actual knowledge of the Complainant's rights and the Respondent's intention to take unfair advantage of those rights.

The Respondent has used the disputed domain name <fbvip.net> to resolve to a website allegedly offering a social media optimization tool for different applications including Facebook as well the purchase of Facebook "likes" and "followers", without disclosing its lack of relationship with the Complainant. Rather, by displaying the Complainant's distinctive Figurative Marks, and making explicit reference to "Facebook", the Respondent's website may mislead Internet users into thinking that the Respondent's website and the services provided therein are endorsed or permitted by the Complainant. Thus, the Panel concludes that the Respondent has used the confusingly similar disputed domain name <fbvip.net> with the intention to attract, for commercial gain, Internet users to the Respondent's website.

The fact that the disputed domain name <fbvip.net> does not currently point to an active website and merely resolves to a webpage stating that the site can't be reached, does not prevent a finding of bad faith under the passive holding doctrine given the totality of the circumstances in the present case. [WIPO Overview 3.0](#), section 3.3.

Based on the evidence submitted with the Complaint, the disputed domain name <fbvip.online> does not appear to have resolved to an active webpage since its registration. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel finds the non-use of the disputed domain name <fbvip.online> does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, noting the distinctiveness or reputation of the Complainant's mark, the composition of the disputed domain name, the Respondent's failure to submit a Response and to reply to the Complainant's cease-and-desist letter, and the absence of a plausible use of the disputed domain name that would be legitimate considering it targets the Complainant's FB trademark, the Panel finds that in the circumstances of this case the passive holding of the disputed domain name <fbvip.online> does not prevent a finding of 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 names <fbvip.net> and <fbvip.online> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: April 4, 2025