

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Amin Khan
Case No. D2025-1059

1. The Parties

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

The Respondent is Amin Khan, Pakistan.

2. The disputed domain name and Registrar

The disputed domain name <fbsave.net> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 14, 2025. On March 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 16, 2025, the Registrar transmitted by email to the Center its verification response registrant and contact information for the disputed domain name 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 March 19, 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 March 24, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform disputed domain name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform disputed domain name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform disputed 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 18, 2025.

The Center appointed Jacques de Werra as the sole panelist in this matter on April 29, 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 which operates various social media platforms and digital communication services including Facebook, Instagram and WhatsApp. It owns various domain names for operating its Facebook platform including <facebook.com> and <fb.com>.

The Complainant owns various trademarks relating to its Facebook platform including

1. Various “Facebook” trademarks (the “Facebook Trademark”):
 - International Registration No. 1075807 for FACEBOOK, registered on July 16, 2010;
 - European Union Trade Mark No. 005585518 for FACEBOOK, registered on May 25, 2011;

and

2. Various “FB” trademarks (the “FB Trademark”):
 - European Union Trade Mark No. 008981383 for FB, registered on August 23, 2011;
 - United States Trademark Registration No. 4,659,777 for FB, registered on December 23, 2014; and
 - European Union Trade Mark No. 018146501 for FB, registered on November 7, 2020.

The disputed domain name was registered on June 28, 2024. It resolves to a website titled “Fbsave” that purports to offer free tools to download videos and reels from the Complainant’s Facebook platform. The Respondent’s website also features step-by-step instructions to “Open your web browser and go to the Snapinsta Instagram Downloader website” to download content from the Instagram platform of the Complainant’s related company Instagram LLC.

The Respondent’s website features the following wording: “FB Video Download is a free downloader app for Facebook videos. It allows you to download videos from Facebook with high quality. You can use it directly on a web browser without needing to register for an account or install any additional software. It’s a simple and convenient tool for saving your favorite Facebook videos.”

The Respondent’s website also features the following copyright notice: “© fbsave - Facebook Video Download”. The Respondent uses a blue and white colour scheme on its website in connection with the “FB” and “Facebook” trademarks that is very similar to the blue and white colour scheme of the Complainant’s Facebook platform.

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 Respondent is not making a bona fide offering of goods or services and thus has no legitimate interest in the disputed domain name. The Complainant particularly contends that the Respondent does not meet two of the four criteria as resulting from the *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (<okidataparts.com>) (the *Oki Data* criteria, as reflected in

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 2.8.) which are that:

- (i) The respondent must actually be offering the goods or services at issue;
- (ii) The respondent must use the site to sell only the trade marked goods or services;
- (iii) The site must accurately and prominently disclose the registrant’s relationship with the trade mark holder; and
- (iv) The respondent must not try to “corner the market” in domain names that reflect the trade mark.

The Complainant submits in this respect that, as a preliminary matter, the Respondent is unable to be viewed as a bona fide service provider, as it does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is making unauthorized use of the Complainant’s “FB” trademark to market its own ancillary services, namely purporting to provide tools that enable Internet users to download content from the Complainant’s “Facebook” platform.

Nevertheless, even if one is to apply the *Oki Data* criteria, the Complainant submits that the Respondent fails to fulfil the first and third criteria, as follows:

(i) The Respondent is not a bona fide service provider as it is not providing services for the proper use of the Complainant’s product. Rather, the Respondent’s website purports to provide unauthorized Facebook downloader tools, in breach of the Meta Developer Policies and which facilitate breach of the Facebook Terms of Service as detailed below. Moreover, the use of such tools to download content from the Complainant’s Facebook platform may put the security of Facebook users at risk, as content scraped from the Facebook platforms may be stored and used for unauthorized purposes by third parties.

(iii) The Respondent’s website does not feature any disclaimer-like wording as to the lack of relationship between the Complainant and the Respondent. As a result, it fails to accurately and prominently disclose its relationship with the Complainant. In fact, by making numerous references to the Respondent’s Facebook platform and using a blue and white colour scheme that is similar to that of the Complainant’s Facebook platform, the Respondent’s website suggests that the Respondent is affiliated with the Complainant, which is not the case.

Further, the Complainant alleges that the Respondent’s use of the disputed domain name violates the Meta Developer Policies by going beyond the limits placed on the functionality of the Facebook platform, and facilitates breach of the Facebook Terms of Service.

The Complainant cites in this context the Meta Developer Policies which provide as follows:

“3. Encourage proper use

Respect the way Facebook, Instagram, or any of our products looks and functions, and the limits we’ve placed on product functionality. [...]”

The Complainant further cites the Facebook Terms of Service which provide as follows: “You may not access or collect data from our Products using automated means (without our prior permission) or attempt to access data you do not have permission to access. We also reserve all of our rights against text and data mining.”

The Complainant further claims that the Respondent is not commonly known by the disputed domain name. There is no evidence to suggest that the Respondent is commonly known by the disputed domain name, as contemplated by paragraph 4(c)(ii) of the Policy. The Respondent registered the disputed domain name using a proxy service. There is no contact information on the Respondent’s website. The identity of the underlying registrant has been disclosed as “Amin Khan”, which does not bear any resemblance to the disputed domain name whatsoever.

To the best of the Complainant's knowledge, there is no evidence of the Respondent having acquired or applied for any trademark registrations for "fb", "fb save" or any variation thereof, as reflected in the disputed domain name. The Complainant also contends that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant claims that it is impossible that the Respondent registered the disputed domain name ignorant of the existence of the Complainant's FB Trademark, given that the disputed domain name contains the trademark, and that the Respondent used the disputed domain name to resolve to a website that refers to the platform in respect of which the Trademark is used.

The Complainant further submits that the Respondent's failure to reply to the Complainant's lawyers' Registrar registrant contact form notice and the Respondent's use of a proxy service to register the disputed domain name further evidences the Respondent's bad faith.

The Complainant also alleges that the Respondent was named as the respondent in a prior UDRP case in which the panel ordered transfer of the disputed domain names. The Complainant consequently submits that the Respondent's registration of other "Facebook"-formative domain names amounts to further evidence of the Respondent's bad faith.

Moreover, in light of the nature of the disputed domain name, as well as the use of a blue and white colour scheme on the Respondent's website that is very similar to the blue and white colour scheme of the Complainant's Facebook platform, the Complainant submits that the Respondent is seeking to target the Complainant's trademark to create an impression of association with the Complainant, to divert traffic to the disputed domain name and to offer unauthorized, illegitimate tools to Internet users and disrupt the Complainant's business.

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 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 Trademark of the Complainant is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the FB Trademark of the Complainant for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "save" 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. See also *Instagram, LLC v. Abu Arab*, OS, WIPO Case No. [D2023-0160](#) (about the domain name <save-insta.com>).

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 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 referred to the Oki Data test which is mentioned in the [WIPO Overview 3.0](#), section 2.8.1 and is applicable to “resellers, distributors, or service providers using a domain name containing the complainant’s trademark to undertake sales or repairs related to the complainant’s goods or services”. The Panel notes that the Oki Data test is not directly applicable in this case given that the Respondent is not a reseller, distributor or service provider using the disputed domain name to undertake sales or repairs related to the complainant’s goods or services. The Respondent rather purports to offer a tool (that the Complainant does not offer) that can be used in connection with the “Facebook” platform of the Complainant.

In any event, the Panel notes that the Complainant has established prima facie that the Respondent claims, on the website associated with the disputed domain name, to offer a tool to download videos from the “Facebook” platform for its users, and uses the Facebook Trademark and the FB Trademark in this context including in the copyright notice that is available on the website associated with the disputed domain name.

It is uncertain what the tool made available by the Respondent actually does and particularly whether it indeed permits to download videos from the “Facebook” platform and in the affirmative under what conditions and with what consequences, also in terms of potential risks for the security of Facebook users, as content scraped from the “Facebook” platform may be stored and later used for unauthorized purposes by third parties (as claimed by the Complainant).

In this respect, the Panel notes that the Respondent has not replied to the Complainant’s allegations and has thus not established that its tool would not create risks for the security of Facebook users (contrary to the Complainant’s allegations).

In any event, the Complainant has established that the disputed domain name consists of the Complainant’s “FB” trademark with the descriptive word “save” which does not dispel an impression of connection between the disputed domain name and the Complainant.

The Complainant has also established that the Respondent’s website contains certain graphical and colour elements that closely resemble the “Facebook” platform and the FB Trademark of the Complainant. The Complainant has also established that the Respondent’s website does not provide for any contact information for the Respondent and that it features a copyright notice: “© fbsave - Facebook Video Download” which creates the impression of a connection with the Complainant.

The Panel notes that judging whether a respondent's use of a domain name constitutes a legitimate fair use will often hinge on whether the corresponding website content prima facie supports the claimed purpose is not misleading as to source or sponsorship, and is not a pretext for tarnishment or commercial gain.

[WIPO Overview 3.0](#), section 2.5.3. In light of its assessment of the Respondent's website, the Panel finds that such site is misleading as to source or sponsorship of the website associated to the disputed domain name which creates an undue association with the Complainant and with the Complainant's activities.

The Panel notes in this respect that the average users of the Respondent's website and of the tool available on that website (which supposedly makes it possible to download "Facebook" videos) cover a very general and broad public and is consequently not limited to a narrow circle of specialized users from whom a higher degree of attention could potentially be expected. From this perspective, the elements available on the website of the Respondent can mislead the average users of the Respondent's website as to the source or sponsorship of such website (because, as noted above, the website contains colours that closely resemble those used on the "Facebook" platform and the "FB" trademark of the Complainant and features a copyright notice: "© fbsave - Facebook Video Download" which creates the impression of a connection with the Complainant).

The Complainant further makes the argument that the Respondent is not a bona fide service provider as it is not providing services for the proper use of the Complainant's product. Rather, the Respondent's website purports to provide unauthorized Facebook downloader tools, in breach of the Meta Developer Policies and which facilitate breach of the Facebook Terms of Service. The Panel notes that it has not been established that the Respondent would be contractually bound by the Meta Developer Policies and that – assuming that the Respondent would be bound by them – the Respondent would have breached the Meta Developer Policies. The provisions to which the Complainant refers in this context do not make it possible to reach this conclusion (i.e. "3. Encourage proper use Respect the way Facebook, Instagram, or any of our products looks and functions, and the limits we've placed on product functionality").

The Panel similarly notes that it has not been established that the Respondent provides unauthorized Facebook downloader tools which facilitate breach of the Facebook Terms of Service. First of all, it has not been established that all or most of the users of the tool offered by the Respondent on the website associated with the disputed domain name (permitting to download videos from the "Facebook" platform) would be users that would be contractually bound by the Facebook Terms of Service. It rather seems possible that Internet users that are not contractually bound by the Facebook Terms of Service can use the tool of the Respondent. Even assuming that the users would be bound by the Facebook Terms of Service, it is uncertain that such users would breach the Facebook Terms of Service if they use the tool of the Respondent. The provisions to which the Complainant refers in this context does not make it possible to reach this conclusion ("You may not access or collect data from our Products using automated means (without our prior permission) or attempt to access data you do not have permission to access. We also reserve all of our rights against text and data mining").

On this basis, the Complainant has not established prima facie that the Respondent would have breached the Meta Developer Policies by offering the tool made available on the website associated with the disputed domain name or would have facilitated the breach of the Facebook Terms of Service by the users of such tool. Consequently, nor has the Complainant established that the Respondent would not be a bona fide service provider of services connected to the Complainant's "Facebook" platform for this reason.

However, as noted above, it remains in any case that the Complainant has established that the Respondent's use of the disputed domain name is misleading as to source or sponsorship of the website associated to the disputed domain name which creates an undue association with the Complainant and with the Complainant's activities. The Panel notes in this respect that the website of the Respondent does not contain any disclaimer that would clarify that the Respondent has not affiliation with the Complainant.

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.

There is no doubt in the present case that the Respondent registered the disputed domain name with an awareness of the Complainant's Trademark and that the Respondent selected the composition of the disputed domain name in order to use it for a tool connected to the Complainant's "Facebook" platform. See *Meta Platforms, Inc. v. Domain Administrator, See PrivacyGuardian.org / Tuyen Quang*, WIPO Case No. [D2022-0102](#) (about the domain name <fbion.com>).

In the present case, the Panel considers that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

In view of the specific circumstances of this case (including the copyright notice: "© fbsave - Facebook Video Download" and the use of a blue and white colour scheme on the Respondent's website that is very similar to the blue and white colour scheme of the Complainant's Facebook platform), the Panel holds that the Respondent is seeking to target the Complainant's trademark to create an impression of association with the Complainant and to divert traffic to the disputed domain name.

The Complainant further claims that the Respondent is using the disputed domain name to purport to provide tools to download content from the Complainant's Facebook platform and that such use of the disputed domain name would circumvent the inability of users to download Facebook content, which violates the Meta Developer Policies and facilitates breach of the Facebook Terms of Service. However, as noted above, it is not established that the tool of the Respondent would violate the Meta Developer Policies and would facilitate the breach of the Facebook Terms of Service. The Complainant also notes that the tool of the Respondent may place the privacy and security of users of the Complainant's "Facebook" platform at risk which would amount to bad faith. In this respect, the Panel notes that the Respondent has not replied to the Complainant's allegations and has thus not established that its tool would not create risks for the security of Facebook users (contrary to the Complainant's allegations).

In any event, the Panel considers that the bad faith of the Respondent is established by other additional circumstances.

The Panel notes indeed that the Respondent's failure to reply to the Complainant's lawyers' Registrar registrant contact form notice and the Respondent's use of a proxy service to register the disputed domain name further corroborate the Respondent's bad faith. See [WIPO Overview 3.0](#), section 3.6.

The Panel also notes that the Respondent was named as the respondent in a prior UDRP case between the Parties in which the Panel ordered transfer of the disputed domain names, which constitutes a further evidence of the Respondent's bad faith. *Meta Platforms, Inc v. ZeeTv Fahad Nawaz, Amin Khan*, WIPO Case No. [D2024-4028](#) (about the domain name <facebookdownloader.app>).

In view of all these circumstances, the Panel concludes that by registering and using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website, in terms of paragraph 4(b)(iv) of 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 <fbsave.net> be transferred to the Complainant.

/Jacques de Werra/

Jacques de Werra

Sole Panelist

Date: May 9, 2025