

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc v. Brad Dassow, Custom By Design LLC
Case No. D2025-4716

1. The Parties

Complainant is Meta Platforms, Inc, United States of America (“United States”), represented by Perkins Coie, LLP, United States.

Respondent is Brad Dassow, Custom By Design LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <facebookgroupsforsale.com> 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 November 14, 2025. On November 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 14, 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 Complainant on November 17, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 18, 2025.

The Center verified that the Complaint together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on November 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2025. Respondent sent email communications to the Center on November 24, 2025, December 15, 2025, and December 16, 2025. However, the Respondent did not file any formal Response.

In the email correspondence referenced above, Respondent first stated that it had “unpublished” its website and offered to transfer the disputed domain name (presumably to Complainant), and when the Center queried whether the Parties wished to explore settlement options, Respondent stated that it had already responded by taking down its site and offering to transfer the disputed domain name. Complainant did not respond to the query from the Center regarding potential settlement discussions.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on December 18, 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

Complainant is a corporation organized in the United States, with principal offices in Menlo Park, California. Founded in 2004, Complainant's Facebook platform (“Facebook”) is a leading provider of online social-media and social-networking services. Today, Complainant's Facebook platform has over three billion monthly active users and over two billion daily active users on average worldwide. With approximately eighty-five percent of its daily active users residing outside the United States and Canada. In 2024, Complainant's FACEBOOK trademark ranked 21st in Interbrand's Best Global Brands report. Complainant operates a commercial website at the domain name <facebook.com>.

Complainant is the owner of registration for the word trademark and service mark (hereinafter “trademark”) FACEBOOK on the Principal Register of the United States Patent and Trademark Office (“USPTO”), registration number 3,734,637, registration dated January 5, 2010, in international classes (“ICs”) 9, 38, 41 and 42, covering, *inter alia*, software to enable uploading, posting, sharing and otherwise providing electronic media over the Internet; audio and video broadcasting services over the Internet; online-journals, and; application services, as further specified. Complainant is owner of registration for the word trademark FACEBOOK on the trademark register of the European Union Intellectual Property Office (“EUIPO”), registration number 005585518, registration dated May 25, 2011, in ICs 35, 41, 42 and 45. Complainant is the owner of a design trademark at the USPTO, described as “The mark consists of a stylized letter 'F' in white appearing inside of a blue square with rounded corners. The color(s) blue-and-white is/are claimed as a feature of the mark”, registration number 4,978,379, registration dated June 14, 2016, in ICs 9, 35, 36, 38, 41, 42 and 45, covering a variety of uses in connection with Complainant's business operations.

According to the Registrar's verification, Respondent is the registrant of the disputed domain name. According to the Whois report, the disputed domain name was created on September 17, 2020.

Respondent has used the disputed domain name to direct Internet users to a webpage prominently headed with the terms “Buy Facebook Groups”, with further subheading “Buy Facebook Groups That Are Already Making Money Or To Your Specific Needs”, with a button labeled “Purchase Now” underneath. Respondent's website provides a list of different types of business for which a purchaser might seek a Facebook Group. It notes “Facebook frowns at buying and selling Facebook groups. However, purchasing or selling a FB group is not illegal - although it can cause suspension to your account... This is where we come into play. We will protect the privacy of the buyer and seller while giving strict instructions on how to stay under the radar when changing the admin of Facebook groups”. The distinctive Facebook “F” registered design logo is prominently displayed on Respondent's website. A United States area code telephone number is included in Respondent's contact information. There does not appear to be an express disclaimer of Respondent's association with Complainant on Respondent's website, noting that the website refers to provision of services contrary to Facebook policy.

As noted earlier, in response to the Complaint, Respondent indicated that it had taken down its website and offered to transfer the disputed domain name, presumably to Complainant.

There is no evidence on the record of this proceeding of any association, commercial or otherwise, between Complainant and Respondent.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that is owner of rights in the trademark FACEBOOK, and the trademarks FB and F, and that the disputed domain name is confusingly similar to its trademarks.

Complainant contends that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) there is no evidence that Respondent is commonly known by the disputed domain name nor has any rights in the disputed domain name independent of Complainant's well-established trademark rights; (2) Respondent has not acquired or applied for trademark registration for "Buy Facebook Groups", or any variation thereof as reflected in the disputed domain name; (3) UDRP panels have found that a respondent cannot establish fair use when it effectively impersonates or suggest sponsorship or endorsement by the trademark owner, as Respondent does here; (4) Respondent's website specifically targets Complainant; (5) Respondent's website makes excessive use of Complainant's trademarks, including by displaying logos confusingly similar to Complainant's design trademark, and replicates Complainant's trade dress; (6) these factors are likely to confuse Internet users as to the source, sponsorship, affiliation with or endorsement of Respondent's website by Complainant; (7) although there are circumstances in which domain name registrants may fairly offer goods or services using the trademark of a third-party, the circumstances allowing such use are not met in this case; (8) registration and use of the disputed domain name violates Complainant's Terms of Service; (9) prior UDRP panels have held that offers to sell likes and followers on Complainant's Facebook platform do not amount to a bona fide offering of goods or services; (10) Respondent has failed to disclose a lack of affiliation with Complainant.

Complainant argues that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent must have known of Complainant's trademarks when it registered the disputed domain name in 2020; (2) Respondent chose the disputed domain name to take advantage of Complainant's trademark for commercial gain; (3) Internet users are likely to believe that Respondent's website is affiliated with Complainant; (4) Respondent has for commercial gain attempted to attract Internet users by creating confusion as to Complainant being the source, sponsor, affiliate or endorser of Respondent's website and services; (5) one independent cybersecurity vendor has flagged the disputed domain name as malicious and associated with malware; (6) Complainant transmitted cease-and-desist demands to Respondent to which Respondent did not reply, and; (7) Respondent's use of a proxy service strongly suggests an effort to prevent or frustrate a UDRP proceeding.

B. Respondent

Respondent did not formally reply to Complainant's contentions. However, Respondent indicated that it had taken down its website and offered to transfer the disputed domain name (presumably to Complainant).

6. Discussion and Findings

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its records of registration. Delivery of notice of the Complaint to the physical address provided in Respondent's records of registration was successful. Respondent replied to email notification of the Complaint, thereby confirming receipt. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

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 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.

Complainant has shown rights in respect of the trademark FACEBOOK, and the design mark F, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the FACEBOOK mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to that mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.¹

Although the addition of other terms, here, "groupsforsale", may bear on assessment of the second and third elements, the Panel finds the addition of such term(s) 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.

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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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

Having reviewed the available record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent has used the disputed domain name that incorporates Complainant's distinctive and well-known FACEBOOK trademark to direct Internet users to a website that displays Complainant's trademark and logo to promote the sale of "Facebook Groups". As Complainant acknowledges, there are circumstances under which a seller or reseller may make legitimate commercial use of the Facebook trademarks. For example, this is acknowledged in Meta Developer Policies and Brand Guidelines. (See also discussion by this Panel

¹The Panel does not consider it necessary to assess the design F mark from the standpoint of establishing confusing similarity. However, that design mark is relevant to the issues of rights or legitimate interests and bad faith.

in *Instagram, LLC v. Isaiah Juarez*, WIPO Case No. [D2025-4694](#), also rejecting bona fide offering or fair use claim to rights or legitimate interests.)

However, the use by Respondent or another third party must be in connection with a bona fide offering of goods or services, or must constitute fair use of Complainant's trademarks. Here Respondent is using Complainant's trademark and logo to promote the sale of Facebook Groups that appears to be precluded by Complainant's Developer Policies that instructs platform users not to participate in any program that facilitates the sale or exchange of "Groups", and that are incorporated by reference in Complainant's Terms of Service. Complainant's various cross-linked terms and conditions of use, and policies, when taken as a whole, are not a model of clarity. For example, while Complainant's Brand Guidelines prohibit registration of Complainant's trademarks in domain names, they also allow the use of Complainant's trademarks in accordance with the Guidelines, and do not appear to prohibit use in a way that is not confusingly similar to Complainant's use of its trademarks.²

Representative provisions of Complainant's Terms of Service, Developer Policies and Brand Guidelines include:

Meta Terms of Service

3.2 What you can share and do on Meta Products

7. You may not do, or attempt to do, anything to circumvent, bypass, or override any technological measures that Meta uses to control or limit access to our Products or data.

3.4 Limits on using our intellectual property

If you use content covered by intellectual property rights that we have and make available in our Products (for example, images, designs, videos, or sounds we provide that you add to content you create or share on Facebook), we retain all rights to that content (but not yours). You can only use our copyrights or trademarks (or any similar marks) as expressly permitted by our Brand Usage Guidelines or with our prior written permission.

4.5 Miscellaneous

3. No Transfer: You will not transfer any of your rights or obligations under these Terms to anyone else without our consent."

Meta Developer Policies

1. "Build a trustworthy product

The following policies apply to all use of Platform:

7. Don't participate in any program that promotes or facilitates the purchase, sale, or exchange of 'Likes', 'Shares', 'Followers', 'Comments', 'Accounts', 'Pages', 'Profiles', 'Groups', or any of our products, features, or functionalities."

² The Panel observes that Complainant has not referred to specific provisions of its Terms of Service and cross-referenced guidelines and policies that establish what it describes as a prohibition on the sale of Facebook Groups, and it did not provide such specific references in its cease-and-desist demand to Respondent. It is not the responsibility of the Panel to undertake the type of legal analysis that Complainant should provide, assuming that Complainant could piece together the disparate documents and policies posted on Complainant's website to establish enforceable legal obligations.

Meta brand resources and guidelines

"Meta's trademarks are owned by Meta and may only be used as provided in these guidelines or with Meta's permission. A list of some of Meta's trademarks can be found here. You may not use or register, or otherwise claim rights in any Meta trademark, including as or as part of any trademark, service mark, company name, trade name, username or domain registration. You should not use or claim rights in any trademark in a way that is confusingly similar to or dilutive of Meta's trademarks, including as, or as any part of, a trademark. Do not use Meta's trademarks for anything that would be inconsistent with Meta's Terms of Service or Community Standards."

Respondent on its website acknowledges that Complainant "frowns at buying and selling Facebook groups. Respondent further states, "purchasing or selling a FB group is not illegal - although it can cause suspension to your account." Respondent has not parsed Complainant's Terms of Service and cross-linked documents in terms of reaching its conclusions. It purports to "giv[e] strict instructions on how to stay under the radar when changing the admin of Facebook groups". Respondent appears to acknowledge that it is offering a service intended to bypass Complainant's account controls and avoid account suspension.

This UDRP proceeding is not intended to determine whether Complainant's Terms of Service as a matter of contract interpretation are enforceable against Respondent to prohibit facilitating the sale of Facebook Groups. With that said, Respondent's business model is being used to encourage users of Complainant's services to act contrary to Complainant's stated policies for use of its platform, and it is doing so with the prominent use of Complainant's trademark and logo. Making use of Complainant's trademarks and logo to promote practices expressly discouraged by Complainant does not appear to the Panel to constitute a fair use of Complainant's trademarks by a third-party, nor does it constitute a bona fide offering of services. It is specifically promoting circumvention of Complainant policies.

In response to initiation of these proceedings, Respondent took down its website and offered to transfer the disputed domain name. Respondent's own perception, including its own description of its business model on its website, suggests that Respondent does not view its own activities as consistent with Complainant's policies, and this does not argue in favor of the establishment of rights or legitimate interests.

The UDRP is not intended as a contract enforcement mechanism. The Panel does not offer an opinion regarding whether Complainant would be successful in enforcing its Terms of Service against Respondent in a civil litigation proceeding. But Complainant has established a *prima facie* case that Respondent is not fairly using its trademarks or making a bona fide offering of services, and Respondent has not rebutted this *prima facie* case.

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 Respondent manifestly was aware of Complainant and its trademarks when it registered and used the disputed domain name because Respondent's website makes extensive use of Complainant's trademarks and logo and refers to Complainant's services.

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 Respondent's registration and use of the disputed domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Respondent has used Complainant's well-known and distinctive trademarks and logo to attract Internet users to its website where it offers services (i.e., the purchase and sale of FACEBOOK Groups) for commercial gain. Once arriving at Respondent's website, Internet users would not confusingly conclude that Complainant is (or was) the source, sponsor, affiliate or endorser of Respondent's website. Respondent's website expressly states that its intention is to bypass Complainant's policies that discourage the services it is offering, with the potential consequence of account suspension. To the extent that Respondent is using Complainant's trademarks and logo to expressly promote activity that is contrary to Complainant's stated policies, Respondent through the use of Complainant's trademarks and logos is interfering with Complainant's operation of its business, and in that sense, Respondent is abusing Complainant's trademarks and logo. Respondent has not proffered an offsetting balance of Internet user interest that suggests a priority over Complainant's rights in its trademarks and logo. Respondent has not provided grounds for the Panel to conclude that Complainant has adopted its internal and external administration policies and practices without legitimate business justification.

The Panel concludes that Respondent registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(b) of the Policy.

The Panel finds that 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 <facebookgroupsforsale.com> be transferred to Complainant.

/Frederick M. Abbott/
Frederick M. Abbott
Sole Panelist
Date: January 1, 2026