ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Phatarachai Booncharoen
Case No. D2026-2224

1. The Parties

The Complainant is Meta Platforms, Inc., United States of America, represented by Perkins Coie LLP, United States of America.

The Respondent is Phatarachai Booncharoen, Thailand.

2. The Domain Name and Registrar

The disputed domain name <fbgray.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 22, 2026. On May 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 2026, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 1, 2026, 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 amendment to the Complaint on June 4, 2026.

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 the Respondent of the Complaint, and the proceedings commenced on June 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 1, 2026.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on July 7, 2026. 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 in this proceeding is Meta Platforms, Inc. (formerly Facebook, Inc.), a United States of America corporation. The Complainant is a technology company, and operates, inter alia, Facebook, Instagram, Meta Quest (formerly Oculus) and WhatsApp. Founded in 2004, the Complainant's Facebook platform is a leading provider of online social media and social networking services. Facebook's social networking services are provided in more than 70 languages. In addition, Facebook is also available for mobile devices, and in recent years has consistently ranked amongst the top applications in the market. In 2024, the Facebook brand ranked twenty-first in Interbrand's Best Global Brands report.

The Complainant's FB trademark is commonly used to refer to Facebook and has been used by international publications, as well as being referenced in online dictionary definitions as an abbreviation for Facebook.

In addition to its strong online presence, the Complainant has secured ownership of numerous trademark registrations for FACEBOOK, FB, F, and various stylized and design trademarks in many jurisdictions throughout the world.

The Complainant is, inter alia, the owner of:

- United States of America Trademark registration number 3734637, for the FACEBOOK (word) trademark registered on January 5, 2010;

- European Union Trademark registration number 018146501, for the FB (word) trademark registered on November 7, 2020; and

- European Union Trademark registration number 017996790, for the F (device) trademark registered on February 22, 2020.

In addition, the Complainant is the holder of numerous domain names consisting of or including its FACEBOOK trademark, registered under various generic Top-Level Domains ("gTLDs") as well as under a number of country code Top-Level Domains, including <facebook.com> (registered on March 29, 1997), and <fb.com> (created on May 22, 1990).

The disputed domain name was registered on May 24, 2021.

The website accessible through the disputed domain name bears the title "ACC Facebook" and reproduces the Complainant's trademarks in connection with the purported offer for sale of Facebook accounts.

The Complainant's representatives, in an attempt to resolve the matter amicably, sent (through the contact email address provided through the WhoIs data for the disputed domain name) a cease-and-desist letter to the Respondent, which remains unanswered.

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 addition of the term "gray" does not prevent a finding of confusing similarity with the Complainant's FB trademark, which remains clearly recognizable in the disputed domain name. In addition, the Complainant affirms that the Respondent's offer for sale of Facebook accounts exploits the Complainant's trademark to attract users and then sell them tools specifically designed to circumvent the Complainant's own security and policy infrastructure. This violates the Meta Terms of Service and the Meta Developer Policies, and places the security and privacy of Facebook and Instagram users at risk, as content scraped from the Facebook and Instagram platforms may be stored and later used for unauthorized purposes by third parties. The Complainant thus claims (also quoting prior UDRP panels) that such use of the disputed domain name does not constitute a bona fide offering of goods or services.

In light of the global renown of the Complainant's trademarks, and in view of the Respondent's website content on the disputed domain name (misappropriating the Complainant's iconic trade dress, and repeatedly referencing the Complainant's FACEBOOK word trademark), the Respondent cannot credibly argue that they did not have prior knowledge of the Complainant's trademarks at the time the disputed domain name was registered.

Furthermore, in choosing a domain name that so closely resembles the Complainant's FB trademark to promote an unauthorized, derivative, competing service, the Respondent is taking advantage of a Complainant's trademark for commercial gain, which supports a finding of bad faith under Policy paragraph 4(b)(iv).

Moreover, the disputed domain name and the Respondent's website content are so obviously connected with the Complainant and its trademarks and services that such use by the Respondent, which has no connection to the Complainant, suggests opportunistic bad faith. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 3.1.4.

Furthermore, the disputed domain name has been flagged by at least one independent cybersecurity vendor as malicious and associated with malware.

Finally, given the circumstances of the case, the Respondent's use of a proxy service or selection of a registrar with default proxy services strongly suggests an attempt to prevent or frustrate a UDRP proceeding, and therefore constitutes additional evidence of bad faith at the time of registration of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

(i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
(iii) 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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is reproduced and recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, “gray”, 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 3.1, 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 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 that 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 3.1, 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 evidence in this case shows that the disputed domain name is being used for a website that reproduces the Complainant’s trademarks in connection with the purported offer for sale of Facebook accounts. The Panel finds that the Respondent has targeted the Complainant’s FB and FACEBOOK trademarks with the registration and use of the disputed domain name in an attempt to attract Internet users to its website where to offer them to purchase Facebook accounts, thus receiving an improper commercial advantage.

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 Respondent was aware of the Complainant’s trademark registrations and rights to the FACEBOOK and FB trademarks when it registered the disputed domain name.

The disputed domain name was registered many years after the Complainant’s FACEBOOK trademark was registered. In addition, owing to the substantial presence established worldwide and on the Internet by the Complainant, and considering the composition of the disputed domain name and the contents displayed on the Respondent’s website, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant, or of the Complainant's trademarks, when registering the disputed domain name.

Prior UDRP panels have repeatedly recognized the strength and renown of the Complainant's trademarks. In particular, FACEBOOK is not a common or descriptive term, but one of the most renowned trademarks in the world.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the FACEBOOK, F (device) and FB trademarks.

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 3.1, section 3.2.1.

The content of the Respondent's website, which makes explicit reference to the Complainant's Facebook platforms and features the Complainant's trademarks while offering Facebook accounts for sale, is a clear inference that the Respondent intended to target the Complainant when registering the disputed domain name.

As WIPO Overview 3.1, section 3.1.4, makes clear, panels have consistently found bad faith where a respondent uses a domain name to facilitate activity that disrupts, is harmful to, or exploitative of the complainant's business. The Respondent's conduct in the present case appears to be precisely that: it exploits the Complainant's trademark to misleadingly attract users to receive an improper commercial advantage.

The bad faith registration and use of the disputed domain name are also affirmed by the fact that the Respondent did not respond to the Complainant's cease and desist letter, nor has it denied the assertions of bad faith made by the Complainant in this proceeding.

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 <fbgray.com> be transferred to the Complainant.

/Fabrizio Bedarida/
Fabrizio Bedarida
Sole Panelist
Date: July 20, 2026