

ADMINISTRATIVE PANEL DECISION

Scribd, Inc. v. Yusra Waheed
Case No. DCO2025-0055

1. The Parties

Complainant is Scribd, Inc., United States of America ("United States"), represented by IPLA, LLP, United States.

Respondent is Yusra Waheed, United States.

2. The Domain Name and Registrar

The disputed domain name <fablebooks.co> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 12, 2025. On July 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Namecheap, Inc.) and contact information in the Complaint. The Center sent an email to Complainant on July 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 July 22, 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 July 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 15, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on August 20, 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, via an acquisition from its predecessor in interest Fable Group Inc., owns common law rights to FABLE for publishing, book club, and software services as well as software goods being a mobile application by and through continuous use of the name since at least as early as 2021 in interstate commerce. Complainant [...] offers its software application available for download in 163 countries and regions through Google Play and the App Store.”

“On Apple’s App Store, Complainant’s FABLE application has over 43,900 ratings with 4.7 star reviews and is ranked as the twelfth best application for books available worldwide. On Google Play, Complainant’s FABLE application has more than half a million downloads with more than 14,000 reviews with a 4.6 star rating overall. There are 2.8 million registered users of Complainant’s FABLE application with more than 800,000 monthly users.”

Since July 20, 2010, Complainant (including its predecessor) has owned the domain name <fable.co> and has used that domain name to host a commercial website promoting Complainant’s services and its app.

The Domain Name was registered on August 20, 2024. As of June 26, 2025, the Domain Name resolved to a website that looks almost exactly like Complainant’s website, including the use of the FABLE mark, a nearly identical version of the Complainant’s logo, and actual illustrations and verbal content from Complainant’s website.

According to Complainant:

“Respondent is using the name FableBooks and a nearly identical logo, along with the identical background and images utilized on Complainant’s website while referencing that users of their website can ‘Get The App,’ clearly in reference to Complainant’s application, with identical tabs ‘Join a Club’ and ‘Bookstore’ which again is an identical copy of Complainant’s landing page. At the bottom of the webpage, Respondent has included reviews from Complainant’s own customers as well as a review from FORTUNE Magazine – that discusses Complainant’s application. Respondent is actively targeting Complainant’s business through this egregious copying.”

“In particular, on June 26, 2025, [KB], CEO at [redacted] (a publishing company), contacted Complainant (Fable) at [...]@fable.co and asked if [...]@fablebooks.co is a legitimate email associated with the company. [...] When Complainant’s support line responded to [KB]’s message that [...]@fablebooks.co is not a legitimate email associated with Fable, [KB] quickly responded that a client of hers signed a contract with Fable Books Co and “[MW]” involving close to USD 20,000. [...] MW is Fable’s former Sales Director. MW reached out to Fable the following day, June 27, 2025, to inform it that she had been contacted by a self-publishing consultant who said that her client was scammed and wired USD 17,000 to an entity pretending to be Fable and acting like they worked with MW. She said the entity set up the domain at fablebooks.co. [...] The identified website information for Fablebooks.co shows the website holder listed MW in relation to its contact information. [...] This evidence is demonstrative proof that this registrant is utilizing the fablebooks.co domain for the purpose of passing itself off as Fable to extort money from independent authors.”

The foregoing allegations are supported by screenshots and printouts annexed to the Complaint.

Respondent has not denied any of the foregoing allegations and has not disputed the evidence presented by Complainant in support of those allegations.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the 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 Complainant has common law rights in the unregistered mark FABLE through use demonstrated in the record. There is evidence of record that Complainant's FABLE mark has acquired distinctiveness as a source identifier for Complainant's services, as Complainant's FABLE app appears to have been used by many consumers. The unsolicited media coverage, from a periodical as prestigious as FORTUNE magazine, supports a finding of acquired distinctiveness.

In addition, the very fact that Respondent's website is in all essence a duplication of Complainant's website and is aimed at people seeking Complainant's services shows that Respondent himself regards FABLE as a source identifier for Complainant and its services. Thus, Respondent can scarcely deny that FABLE is a recognized source identifier for Complainant and its services.

The Panel also finds that the Domain Name is confusingly similar to that mark. The Domain Name incorporates the FABLE mark and adds the descriptive word "books." In the Panel's view, the mark remains clearly recognizable within the Domain Name notwithstanding this additional word.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or

- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward to articulate any bona fide basis for registering the Domain Name, and has not disputed the serious and plausible allegations made by Complainant. The undisputed record here indicates that Respondent has used the Domain Name in order to set up a fraudulent website and perpetrate a fraud upon Complainant's customers.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on the record provided here, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. The undisputed record supports the conclusion that Respondent targeted Complainant's mark for purposes of perpetrating a fraudulent scam, in clear violation of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <fablebooks.co> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: August 29, 2025