

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc. v. Nicole Callaghan  
Case No. D2022-2600

### **1. The Parties**

The Complainant is Meta Platforms, Inc., United States of America (“U.S.”), represented by Tucker Ellis, LLP, U.S.

The Respondent is Nicole Callaghan, Australia.

### **2. The Domain Names and Registrar**

The disputed domain names <facebookdirectory.com> and <facebookdirectory.online> are registered with Dreamscape Networks International Pte Ltd (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 16, 2022. On July 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 25, 2022, 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 July 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 15, 2022. Aside from informal communications sent on August 4 and 24, 2022, the Respondent did not submit a formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on August 19, 2022.

The Center appointed Kaya Köklü as the sole panelist in this matter on August 24, 2022. 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 leading online social networking service, which was founded in 2004.

The Complainant is the owner of the famous trademark FACEBOOK, which is registered and used around the world. The Complainant is the owner of many trademark registrations worldwide, e.g., U.S. Trademark Registration No. 3122052 (registered on July 25, 2006), and International Trademark Registration No. 1075094 (registered on July 16, 2010), (Annexes 10 and 11 to the Complaint).

The disputed domain names were both registered on July 26, 2021, and according to the evidence submitted with the Complaint, resolved to parked sites related with “crazydomains.com”.

The Respondent is reportedly located in Australia.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant requests the transfer of the disputed domain names.

The Complainant is of the opinion that the disputed domain names are confusingly similar to its FACEBOOK trademark.

Furthermore, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

Finally, the Complainant argues that the Respondent has registered and is using the disputed domain names in bad faith.

##### **B. Respondent**

The Respondent did not substantively respond to the Complainant's contentions. In its email communications to the Center on August 4 and 24, 2022, the Respondent made clear that she does not want to challenge this case and is willing to transfer the disputed domain names to the Complainant.

Literally, the Respondent stated that “I will transfer these 2 domains [...]. Please provide these details and I will work with my domain provider [...] to have them transferred to you ASAP”.

#### **6. Discussion and Findings**

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

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 names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

For the evaluation of this case, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") and, where appropriate, will decide consistent with the consensus views stated therein.

#### **A. Consent to Transfer**

The Panel notes that even without a formal settlement between the parties, a consent for the transfer of the disputed domain names by the Respondent can provide sufficient basis for an order for transfer without the need for substantial consideration of the UDRP grounds and the further merits of the case. In view of [WIPO Overview 3.0](#), section 4.10, a panel may "order the requested remedy solely on the basis of such consent".

As indicated above, the Center received two email communications from the Respondent on August 4 and 24, 2022, which unambiguously expresses her consent to transfer the disputed domain names to the Complainant. In said email communications, the Respondent wrote literally: "I will transfer these 2 domains". The Respondent even asked for transfer details to arrange the transfer on short notice.

The Panel finds that the email communications by the Respondent to the Center undoubtedly demonstrate her consent to have the disputed domain names transferred.

The fact that no settlement agreement has been concluded between the Parties does, in view of the Panel, not affect the effectiveness of the Respondent's unilateral consent to the transfer of the disputed domain names.

#### **B. Conclusion**

The Panel notes that the Complainant did not request suspension of the proceedings, and hence wished to proceed on the merits of the case. The Panel has ordered transfer of the disputed domain names based on the Respondent's consent to transfer. Based on the case file, the Panel further finds that the disputed domain names are confusingly similar to the Complainant's trademarks, that the Respondent does not have rights or legitimate interests in the disputed domain names, and that the disputed domain names were registered and are being used in bad faith. The Panel therefore exceptionally renders its Decision in summary form and orders the transfer of the disputed domain names to the Complainant.

#### **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, <facebookdirectory.com> and <facebookdirectory.online> be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: September 7, 2022