

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. gjujtsi amerikes, filani
Case No. D2022-4183

1. The Parties

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

The Respondent is gjujtsi amerikes, filani, United States of America.

2. The Domain Name and Registrar

The disputed domain name <facebooksecuritymail.com> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 4, 2022. Also on November 4, 2022, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On November 5, 2022, the Registrar transmitted to the Center its verification response, disclosing the registrant and contact information for the disputed domain name, which differed from the named Respondent (“Contact Privacy Inc. Customer 7151571251”) and contact information in the Complaint. On November 7, 2022, the Center notified the Complainant of the registrant and contact information as disclosed by the Registrar, and invited the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on November 9, 2022.

The Center verified that the Complaint together with the amended 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 proceeding commenced on November 10, 2022. In accordance with the Rules, paragraph 5, the due date for the Response was November 30, 2022. The Respondent did not submit any response. Accordingly, on December 6, 2022, the Center notified the Respondent’s default.

The Center appointed Professor Ilhyung Lee as the sole panelist in this matter on December 13, 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, formerly known as Facebook, Inc., operates <facebook.com>, the social networking website. The Complainant has registered a number of FACEBOOK marks in the United States (including Registration Number 3122052, on July 25, 2006), and in several other countries. The Complainant is also the owner of various domain names containing “facebook”, including <facebookmail.com> (registered on January 23, 2006) and <facebook-security.com> (registered on April 4, 2013).

The Respondent registered the disputed domain name <facebooksecuritymail.com> on July 27, 2022. The disputed domain name currently resolves to an inactive website.

5. Parties' Contentions

A. Complainant

The Complainant contends principally that: (i) the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights; (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. In addition, the Complaint states, *inter alia*:

“Facebook has more than one billion daily active accounts and over two billion monthly active users from all over the world”

“Complainant owns the exclusive rights to the Facebook Mark, which it has used for over eighteen years. Complainant’s use of the Facebook Mark, in the United States and throughout the world, has been extensive, continuous, and substantially exclusive.”

“Complainant has not licensed nor authorized Respondent to use Complainant’s Facebook Mark, nor does Respondent have any legal relationship with Complainant that would entitle Respondent to use the Facebook Mark.”

“Respondent ... is not affiliated with or authorized by Complainant”

“Respondent has used the domain name to impersonate Complainant in furtherance of a phishing scheme.”

“Respondent is clearly engaged in cybersquatting in violation of the Policy”

“Respondent uses the subject domain name as part of an email address, pages@facebooksecuritymail.com, which is intended to impersonate Complainant.”

“Respondent has used the domain name to impersonate Complainant in furtherance of a phishing scheme.”

“Respondent is impersonating Complainant to mislead recipients into clicking on a link that may be used to induce users to disclose their personal information.”

B. Respondent

The Respondent did not reply to the Complainant’s contentions. Under paragraphs 5(f) and 14(a) of the Rules, the Panel may decide the dispute based on the Complaint. Paragraph 14(b) allows the Panel to draw appropriate inferences from the Respondent’s default.

6. Discussion and Findings

In order to prevail in its claim, the Complainant must satisfy each of the three elements of paragraph 4(a) of the Policy.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name <facebooksecuritymail.com> is identical or confusingly similar to a mark in which the Complainant has rights (FACEBOOK), under paragraph 4(a)(i) of the Policy. The Complainant's mark appears prominently in the disputed domain name. The addition of the terms "security" and "mail" does not prevent a finding of confusing similarity. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8. The Top Level Domain ".com", a technical registration requirement, is disregarded for this discussion. [WIPO Overview 3.0](#), section 1.11.1.

The first element is demonstrated.

B. Rights or Legitimate Interests

The Complainant states that it has not authorized the Respondent to use the FACEBOOK mark, and has met its initial burden of making a *prima facie* showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The burden shifts to the Respondent to demonstrate any such rights or legitimate interests. Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances that may demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

The Respondent has defaulted. The Panel is unable to ascertain any evidence that would demonstrate the Respondent's rights or legitimate interests in the disputed domain name, as described in the Policy, or otherwise.

The second element is satisfied.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must show that the disputed domain name "has been registered and is being used in bad faith". Paragraph 4(b) provides a non-exhaustive list of circumstances that can satisfy this element.

The disputed domain name <facebooksecuritymail.com> resolves to an inactive site. The case record indicates that the Respondent has used the disputed domain name to impersonate the Complainant. "Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution.... Many such cases involve the respondent's use of the domain name to send deceptive emails" [WIPO Overview 3.0](#) section 3.4. This case appears to be one such example of bad faith.

The third element is also demonstrated.

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 <facebooksecuritymail.com> be transferred to the Complainant.

/Ilhyung Lee/

Ilhyung Lee

Sole Panelist

Date: December 27, 2022