

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc. v. Rodrigo Assis Vieira  
Case No. D2023-0232

### **1. The Parties**

Complainant is Meta Platforms, Inc., United States of America, represented by Hogan Lovells (Paris) LLP, France.

Respondent is Rodrigo Assis Vieira, Brazil.

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

The disputed domain name <fb-clientsupport.com> (the “Domain Name”) is registered with eNom, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 18, 2023. On January 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 19, 2023, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on January 23, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 24, 2023.

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 Respondent of the Complaint, and the proceedings commenced on January 31, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 21, 2023.

The Center appointed Clive L. Elliott, K.C., as the sole panelist in this matter on March 1, 2023. 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, formerly known as “Facebook, Inc”, changed its name to “Meta Platforms, Inc” on October 28, 2021. It is a United States social technology company, operating Facebook, Instagram, and WhatsApp. Its Facebook platform was founded in 2004 and is commonly referred to as “FB”, as is evidenced by press articles in international publications such as The New York Times and The Guardian.

Complainant’s social-networking business is operated online. In addition to its strong online presence, Complainant is the registered owner of trade mark registrations for “FB” in many jurisdictions throughout the world, including but not limited to, the following (the “Complainant’s Mark”):

Mark	Jurisdiction	Registration No	Registration Date
FB	United States of America	4659777	December 23, 2014
FB	European Union	008981383	August 23, 2011

According to the publicly available Whois the Domain Name was registered on October 26, 2022, and at the time of the Complaint did not resolve to an active website.

#### 5. Parties’ Contentions

##### A. Complainant

Complainant submits that that it has the necessary rights and that the Domain Name is confusingly similar. That is, on the basis the Domain Name contains Complainant’s Mark in its entirety, with the addition of a hyphen and the descriptive terms “client” and “support”. Complainant submits that the addition of the hyphen and the descriptive terms does not prevent a finding of confusing similarity.

Complainant asserts that Respondent has no rights or legitimate interests in the Domain Name and further Respondent is not affiliated with Complainant in any way and is not a licensee of Complainant.

Complainant contends that the Domain Name has been used in connection with a fraudulent email phishing scheme, where it has been used to impersonate Complainant by sending emails from the address “[...]@fbclientsupport.com”, warning users that they had been reported for posting copyright-protected works on Instagram (one of Complainant’s subsidiary companies) without permission. A hyperlink is provided for users to appeal against having their accounts suspended. Such emails also displayed variations of figurative trade marks owned by Complainant and its subsidiary.

Complainant goes on to suggest that as the Domain Name does not currently resolve to an active webpage, Respondent is therefore not using the Domain Name as a *bona fide* offering of goods and services.

##### B. Respondent

Respondent did not reply to Complainant’s contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

Complainant is the owner of the FB trade mark, having registered said trade mark in a number of countries including the United States of America and in the European Union, referred to in this decision as Complainant's Mark. Complainant also asserts, without contradiction, its well-known Facebook platform is commonly referred to as FB.

The Domain Name reproduces Complainant's Mark in its entirety. The words "client" and "support" are common English words that describe people or activities typically associated with the Facebook platform. These words and the addition of a hyphen do not prevent a finding of confusing similarity, as the Complainant's Mark is plainly recognizable in the Domain Name. See section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

In addition, in cases where a domain name incorporates the entirety of a trade mark the domain name will normally be considered confusingly similar to that mark for purposes of the UDRP. See section 1.7 of [WIPO Overview 3.0](#). The Domain Name is therefore confusingly similar to Complainant's Mark.

The first ground under the Policy is made out.

### B. Rights or Legitimate Interests

Complainant asserts that Respondent is wrongly using the Domain Name to impersonate Complainant. Complainant alleges that Respondent is achieving this by sending emails from the address "[...][@fbclientsupport.com](#)", warning users about the use of Instagram and providing them with what purports to be a hyperlink for users to prevent their accounts being suspended. Respondent makes no effort to challenge or refute these allegations. Absent a response, the Panel finds that Respondent is likely to mislead members of the public as to its identity and *bona fides*. Under the circumstances, Complainant establishes a *prima facie* case and Respondent has not shown it has rights or legitimate interests pursuant to paragraph 4(c)(iii) of the Policy.

In addition, the conduct referred to in the previous paragraph does not represent a *bona fide* offering of goods or services. Instead, it appears to be an attempt by Respondent to masquerade as Facebook or its associated entities. The Panel finds that both the online platform Facebook and its commonly used abbreviation FB are widely known to the public, including Internet users. Given the profile and reputation of Facebook and FB, the allegations raised by Complainant call for a response, but none has been forthcoming.

Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the Domain Name.

### C. Registered and Used in Bad Faith

Previous WIPO panels have found that a consideration that can be taken into account in assessing bad faith is the nature of the domain name, for example, a typo of a widely-known mark, or a domain name incorporating the complainant's mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant's area of activity or natural zone of expansion. See section 3.2.1 of [WIPO Overview 3.0](#). The Panel has found that the name Facebook and Complainant's Mark are widely known. In addition, the words incorporated into the Domain Name are common descriptive terms associated with the Facebook platform.

Further, the Domain Name appears to be used in connection with a fake email address that purports to be associated with Facebook and/or Instagram, contrary to the fact.

The Panel finds that the Domain Name was registered with the requisite knowledge on Respondent's part and has since been used in a manner likely to mislead members of the public. Therefore, the Panel concludes that the Domain Name was registered and used in bad faith.

Complainant has therefore established the third ground under 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 Domain Name <fb-clientsupport.com> be transferred to Complainant.

*/Clive L. Elliott, K.C./*

**Clive L. Elliott, K.C.**

Sole Panelist

Date: March 15, 2023