

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Liongate Design, NA
Case No. D2023-1343

1. The Parties

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

The Respondent is Liongate Design, NA, United States.

2. The Domain Name and Registrar

The disputed domain name <facebookreliefgrant.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 28, 2023. On March 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 30, 2023, 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 (WhoisSecure) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 31, 2023, 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 amended Complaint on April 5, 2023, adding an additional domain name to the Complaint.

On April 18, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the second disputed domain name. On April 19, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name and contact information in the Complaint. The Center sent an email communication to the Complainant on April 19, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed a second amended Complaint on April 24, 2023, removing the additional domain name from the proceeding.

The Center verified that the Complaint together with the amended Complaints 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 April 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 19, 2023.

The Center appointed Evan D. Brown as the sole panelist in this matter on June 27, 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

The Complainant is a multinational technology conglomerate and is the parent company of the entity that operates Facebook. It owns the trademark FACEBOOK. That mark is the subject of registrations in several jurisdictions, including the United States (Reg. No. 3,041,791, registered on January 10, 2006).

According to the Whois records, the disputed domain name was registered on December 10, 2022. The Respondent has used the disputed domain name to publish a website purporting to provide services that play "an important role in generating economic growth and opportunity in some of our nation's most distressed communities." The website contains functionality designed to collect personally identifiable information (name, address, and phone number) via a chat interface. The site lists the names of individuals who purportedly have been awarded amounts of money and invites such individuals to communicate via the chat feature. The Complainant asserts that the disputed domain name has been used in connection with advance fee fraud targeting Internet users who are tricked into providing personal details and making an upfront payment in order to collect a fictitious lottery prize.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service 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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark. This element under the Policy functions primarily as a standing requirement. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated rights in the FACEBOOK mark by providing evidence of its trademark registrations.

The disputed domain name incorporates the FACEBOOK mark in its entirety. The disputed domain name contains a couple other other words - "relief" and "grant". The presence of these other words does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's FACEBOOK mark. See [WIPO Overview 3.0](#), section 1.8. The mark remains recognizable for a showing of confusing similarity under the Policy.

Based on the available record, 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.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

On this point, the Complainant asserts, among other things, that: (1) the Respondent is not a licensee of the Complainant and the Respondent is not affiliated with the Complainant in any way, (2) the Respondent is not commonly known by the disputed domain name, (3) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, (4) the Complainant has not granted any authorization for the Respondent to make use of its FACEBOOK trademark, in a domain name or otherwise, and (5) the Respondent is not using the disputed domain name in connection with any *bona fide* offering of goods or services. Instead, the Complainant asserts, that the disputed domain name has been used in connection with advance fee fraud targeting Internet users who are tricked into providing personal details and making an upfront payment in order to collect a fictitious lottery prize.

The Panel finds that the Complainants have made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing, and nothing in the record otherwise tilts the balance in the Respondent's favor. Moreover, prior panels have held that the use of a domain name for fraud can never confer rights or legitimate interests upon a respondent. [WIPO Overview 3.0](#), section 2.13.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Because the Complainant's FACEBOOK mark is well-known, and is registered in jurisdictions around the world, the Panel finds it more likely than not that the Respondent was aware of the mark and specifically targeted it when it registered the disputed domain name. In the circumstances of this case, without the benefit of any explanation whatsoever from the Respondent as to a possible good faith use of the disputed domain name, such a showing is sufficient to establish bad faith registration of the disputed domain name.

The circumstances also demonstrate bad faith use of the disputed domain name in terms of the Policy. Where a disputed domain name is "so obviously connected with such a well-known name and products...its very use by someone with no connection with the products suggests opportunistic bad faith".

See, *Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No. [D2000-0226](#). Furthermore, the apparent use of the disputed domain name to publish a website designed to trick Internet users, believing they are engaging with or communicating with a website tied to the Complainant, into disclosing personally identifiable information for the presumed commercial benefit of the Respondent is a clear indication of bad faith.

The Panel finds that the Complainant has succeeded under this third Policy element.

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 <facebookreliefgrant.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: July 11, 2023