

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., Instagram, LLC v. Icy Domains, Dans Domains,
Kay John
Case No. D2023-1981

1. The Parties

The Complainants are Meta Platforms, Inc., and Instagram, LLC, United States of America, represented by Hogan Lovells (Paris) LLP, France.

The Respondents are Icy Domains, Ghana; Dans Domains, Ghana; Kay John, United States of America.

2. The Domain Names and Registrar

The disputed domain names <facebookmp4.com>, <fbdownloaderplus.com>, <fbisdown.com>, <fbtomp4.com>, and <instavideo-downloader.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 3, 2023. On May 4, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 5, 2023, 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 sent an email communication to the Complainants on May 5, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on May 9, 2023.

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 the Respondent of the Complaint, and the proceeding commenced, on May 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 1, 2023. The Respondent did not submit any response. However, on May 15, 2023, the Respondent sent an email communication to the Center, notifying the Center that the Respondent did not intend to contest this proceeding, requesting suspension of the proceeding, and

providing the Respondent's consent to the transfer of the disputed domain names to the Complainants. On May 16, 2023, the Center sent an email communication to the Parties, asking the Parties to confirm whether they would like the proceeding to be suspended under paragraph 17 of the Rules to implement a settlement agreement. On May 16, 2023, the Complainants sent an email communication to the Center, notifying the Center that the Complainants did not wish to explore settlement at that time, and requesting the Center to continue with the procedure. Accordingly, the Center sent the Commencement of Panel Appointment Process email to the Parties on June 5, 2023.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on June 19, 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. Consolidation of multiple Respondents

The Panel notes that the Complaint was addressed against Icy Domains, Dans Domains, and Kay John as the Respondents.

The Complainant asserts that the disputed domain names are subject to common control by either the same person or by connected parties, as shown by the following circumstances:

- (a) The registrant details on the Whois record are the same for the disputed domain names <fbtomp4.com>, <instavideo-downloader.com> and <fbdownloaderplus.com>.
- (b) According to the Whois record, all of the disputed domain names were registered with the same Registrar, PDR Ltd. d/b/a PublicDomainRegistry.com.
- (c) According to the Whois record, the telephone number for the disputed domain name <facebookmp4.com>, is the same as the telephone number of the disputed domain names <fbtomp4.com>, <instavideo-downloader.com> and <fbdownloaderplus.com>.
- (d) The disputed domain name <facebookmp4.com> redirects to the website to which the disputed domain name <fbtomp4.com> resolves.
- (e) The disputed domain name <fbisdown.com>, previously redirected to the website to which the disputed domain name <fbtomp4.com> resolves.
- (f) The Whois record for the disputed domain name <fbtomp4.com>, previously showed the same registrant details as the current Whois record for the disputed domain name <fbisdown.com>.
- (g) All of the disputed domain names resolve (or previously resolved) to websites that purport to provide tools for downloading Facebook videos and/or Instagram videos.

For the above reasons put forward by the Complainant, the Panel concludes that there are sufficient grounds to support the conclusion that the disputed domain names are subject to common control and that consolidation would be fair and equitable to all parties. The Respondents will hereinafter be referred to as the "Respondent".

5. Consent to Transfer

The Respondent confirmed in its email communication to the Center its consent to the transfer of the disputed domain names to the Complainants. The Panel considers, in the circumstances, it is appropriate to

order transfer of the disputed domain names solely on the basis of such consent (see [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition](#), section 4.10).

6. 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 <facebookmp4.com>, <fbdownloaderplus.com>, <fbisdown.com>, <fbtomp4.com> and the disputed domain name <instavideo-downloader.com> be transferred to the Complainants.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: July 3, 2023