

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc v. ZeeTv Fahad Nawaz, Amin Khan
Case No. D2024-4028

1. The Parties

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

The Respondent is ZeeTv Fahad Nawaz, and Amin Khan, Pakistan. ¹

2. The Domain Names and Registrars

The disputed domain name <facebookdownloader.app> is registered with Name.com. The disputed domain names, <facebookdownloader.org> and <facebookdownloader.pro>, are registered with Dynadot Inc., respectively (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 1, 2024. On October 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 2 and 3, 2024, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent (REDACTED FOR PRIVACY Domain Protection Services, Inc., and REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 4, 2024, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on October 9, 2024.

¹According to the Registrar’s verification, ZeeTv Fahad Nawaz, is the registrant of the disputed domain name <facebookdownloader.app>, and Amin Khan is the registrant of the disputed domain names <facebookdownloader.org> and <facebookdownloader.pro>, globally herein after referred to as “the Respondent”, unless reference is made to any of them separately.

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 proceedings commenced on October 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 31, 2024.

The Center appointed Reyes Campello Estebarez as the sole panelist in this matter on November 5, 2024. 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.”) changed its company name to “Meta Platforms, Inc.” on October 28, 2021. The Complainant is a leading provider of online social networking services, operating various social media platforms under the trademarks FACEBOOK, INSTAGRAM, META QUEST (formerly OCULUS), and WHATSAPP.

Founded in 2004, the Facebook platform is a social media platform available online, through its main website “www.facebook.com” and through a mobile application (“app”), which are available worldwide in more than 70 languages. The Facebook main website (“www.facebook.com”) and mobile app are ranked as one of the most visited websites and downloaded apps in the world, e.g., in 2023, the FACEBOOK brand ranked 21st in Interbrand’s Best Global Brands report.

The Complainant owns various trademark registrations for its FACEBOOK brand in many jurisdictions, including:

- United States Trademark Registration No. 3,041,791, FACEBOOK, word, registered on January 10, 2006, 2006, in Classes 35, and 38;

- European Union Trade Mark Registration No. 005585518, FACEBOOK, word, registered on May 25, 2011, in Classes 35, 41, 42, and 45; and

- International Trademark Registration No. 1075094, FACEBOOK, figurative, registered on July 16, 2010, in Classes 9, 35, 36, 38, 41, 42, and 45, with the following graphic representation:

The image shows the Facebook wordmark logo, which consists of the word "facebook" in a lowercase, sans-serif font, with the "f" in blue and the rest of the letters in white, all contained within a blue rectangular background.

- United States Trademark Registration No. 4,978,379, F, figurative, registered on June 14, 2016, in Classes 9, 35, 36, 38, 41, 42, and 45, with the following graphic representation:



(collectively hereinafter referred as the “FACEBOOK mark” and the “F mark”, respectively).

Prior decisions under the Policy have recognized the worldwide renown of the Complainant's trademarks.² The Complainant further owns various domain names comprising its FACEBOOK mark, including <facebook.com> (registered on March 29, 1997), which resolves to its social media platform.

The disputed domain names were registered on June 15, 2024, and they resolve to similar websites, all in various languages, that promote a downloader tool for Facebook and Instagram called "Facebook Downloader" and "Snapsinta Instagram Downloader". These websites show at their headings the terms "Facebook Downloader", and include various references to the FACEBOOK and the F marks, as well as similar favicons that consist of a letter "F" in blue and white colors with a downloading arrow symbol. The "About Us" and "Contact Us" sections of these sites, included at their respective bottoms, do not have any relevant content and have been redacted featuring "Lorem Ipsum" typesetting text ("[...] a simply dummy text of the printing and typesetting industry"). These websites do not include any information about their lack of relationship with the Complainant, its trademarks, and its social media platform.

On June 21, 2024, and July 1, 2024, the Complainant sent cease-and-desist communications, directly and through the Registrars and hosting providers, to the Respondent, requesting the disputed domain names to be suspended. The Respondent failed to answer and failed to remove the content at the disputed domain names.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the FACEBOOK mark as they include this trademark in its entirety followed by the term "downloader". The addition of the term "downloader" does not prevent a finding of confusing similarity, and the applicable generic Top-Level-Domains ("gTLDs"), ".app", ".org", and ".pro", are disregarded for the purposes of assessment under the first element, as they are considered a standard registration requirement.

The Complainant further contends the Respondent has no rights or legitimate interests in the disputed domain names. The Parties have no relationship, no evidence suggests the Respondent is commonly known by or owns any rights over the terms "Facebook Downloader", and it has no authorization to use the Complainant's trademarks. The use of the disputed domain names impersonates or suggests sponsorship or endorsement by the Complainant, as the Respondent's websites specifically target the Complainant and its platform by offering an unauthorized illegitimate "Facebook Downloader" service, and make prominent use of the Complainant's trademarks in their content and favicons. The Oki Data criteria are not met (in reference to *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), and should not be applicable as the Facebook Terms of Service, as well as the Meta Developer Policies, prohibit the registration or use of domain names incorporating the Complainant's trademarks. The Respondent's tool places the privacy and security of Facebook users at risk, as content downloaded from the Complainant's platform may be stored and used by third parties for unauthorized purposes. The Respondent's websites promote downloader tools not only for FACEBOOK, but also for INSTAGRAM (called "Snapsinta Instagram Downloader"), they do not prominently disclose their lack of relationship with the Complainant, and the

²See, e.g., *Facebook, Inc. v. Andre Schneider / DomCollect AG*, WIPO Case No. [D2013-1183](#); *Facebook Inc. v. te5gh gtfghbfh*, WIPO Case No. [D2018-2433](#); *Facebook, Inc. v. Andre Schneider / DomCollect AG*, WIPO Case No. [D2013-1183](#); *Facebook, Inc. v. Naresh Bali*, WIPO Case No. [D2017-2510](#); *Facebook, Inc. and Instagram, LLC v. Adam Szulewski*, WIPO Case No. [D2016-2380](#); *Facebook Inc. v. Kristjan Eichler, WebExpress LLC / Arvuti LLC*, WIPO Case No. [D2015-2299](#); and *Facebook, Inc. v. Prashant Chhibber*, WIPO Case No. [D2017-2477](#).

Respondent has intentionally targeted the Complainant and its services through multiple domains, namely the three disputed domain names.

The Complainant finally contends that the disputed domain names were registered and are being used in bad faith. In light of the Complainant's trademarks reputation, Respondent cannot credibly claim it was unaware of them when it registered the disputed domain names. The website content associated with the disputed domain names corroborates the targeting to these reputed marks and the Complainant's platform. The Respondent's websites are almost identical, they contain numerous references to the famous FACEBOOK and the F marks, promote an illegitimate tool and mislead Internet users into believing these websites are somehow affiliated with or endorsed by the Complainant. The Respondent has intentionally attempted to attract Internet users to its websites by creating a likelihood of confusion in bad faith. The Respondent's downloader tool further circumvents the requirement of creating an account to access Facebook content, as well as the Complainant's safety prohibitions against downloading content from its platform, all in violation of the Complainant's Terms of Service. Websites offering putative downloader tools are commonly used to spread malware, phish for sensitive or private data, and illegally hack into the user accounts of the Complainant's platform. The failure to answer the Complainant's cease-and-desist communications, as well as the use of proxy registration and proxy web hosting services to shield the Respondent's identity, suggest an attempt to prevent or frustrate a UDRP proceeding and corroborate the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

A. Consolidation: Multiple Respondents

The Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all parties. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that the circumstances of this case show a similar pattern in the three disputed domain names that leads to consider that they are under a common control. Particularly, the Panel notes (i) the disputed domain names were registered on the same date, and two of them were registered with the same Registrar; (ii) the three disputed domain names have an identical composition, all incorporating the FACEBOOK mark at the beginning followed by the term "downloader", with different

gTLDs; (iii) as revealed by the Registrars, two of the disputed domain names' registrants provided identical contact details and all three provided the country (Pakistan) in the registration of the disputed domain names; and (iv) the content of the disputed domain names are almost identical.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputed domain names in a single proceeding would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the dispute regarding the nominally different disputed domain name registrants in a single proceeding.

B. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, namely the FACEBOOK and the F marks. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the FACEBOOK mark is reproduced within the disputed domain names. Accordingly, the Panel finds the mark is recognizable within the disputed domain names, and the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, the term "downloader", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Therefore, the Panel finds the first element of the Policy has been established.

C. 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The Panel finds nothing in the record indicates the Respondent may be commonly known by the terms “facebook downloader”, and the use of the disputed domain names do not confer any rights or legitimate interests to the Respondent, as the Respondent is not making a bona fide offering of goods and services through the disputed domain names.

Panels have recognized that service providers using a domain name containing the complainant’s trademark to undertake services related to the complainant’s goods or services may be making, under certain circumstances, a bona fide offering of goods and services under the Policy, and thus have a legitimate interest in such domain name. It is necessary that the cumulative conditions outlined in the “Oki Data test” are met. However, as alleged by the Complainant, the Panel finds such conditions or requirements are not met in this case. The Respondent’s websites promote downloader tools not only for FACEBOOK, but also for INSTAGRAM, they do not prominently disclose their lack of relationship with the Complainant, and the Respondent has shown a pattern of bad faith targeting to the Complainant’s trademark with three domain names. [WIPO Overview 3.0](#), section 2.8.

Furthermore, panels have held that the use of a domain name for an illegitimate or illegal activity here, claimed unauthorized account access or hacking to the FACEBOOK platform and unauthorized downloading of videos and reels without their owners or authors consent (in violation of the copyright law), can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel further notes the additional term included in the disputed domain names, “downloader”, refers to services related to the Complainant’s social media platform that are provided under the FACEBOOK mark and the F mark by the Complainant within its platform. Therefore, the Panel finds the composition of the disputed domain names indicates targeting of the Complainant, and of its reputed trademarks, and generates confusion with the Complainant, its trademarks, and its social media platform. The disputed domain names give the impression of being owned by or associated to the Complainant or its platform. Therefore, the Panel finds such use cannot be considered a bona fide offering of goods or services under the Policy. [WIPO Overview 3.0](#), section 2.5.1.

The Panel further finds the content of the Respondent’s websites enhances the confusion. Particularly, (i) with the inclusion of the Complainant’s trademarks both in the content of the sites and as their favicons (with minor variations such as the addition of a downloading arrow symbol above the F mark); (ii) the lack of information about the owner of these sites and/or the disputed domain names; and (iii) the lack of any disclaimer.

Therefore, the Panel finds the second element of the Policy has been established.

D. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Complainant’s trademarks are well known and the use of the disputed domain names corroborates the Respondent’s bad faith. The Respondent targeted the Complainant, its reputed trademarks and its social media platform with the registration and use of the disputed domain names. The content of the Respondent’s websites corroborates such targeting.

The disputed domain names were registered and have been used to generate confusion or affiliation with the Complainant and its trademarks, in an effort to generate traffic to the Respondent’s websites.

The Respondent’s tool for illegally and with no authorization access to the FACEBOOK platform, and for downloading videos and/or reels from this platform further constitutes bad faith under the Policy. Panels have held that the use of a domain name for an illegal activity constitutes bad faith. [WIPO Overview 3.0](#),

section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitute bad faith under the Policy.

The Panel further finds the Respondent has showed a pattern of conduct of preventing the Complainant from reflecting its reputed FACEBOOK mark in a domain name. The fact that the Respondent has registered three domain names including the FACEBOOK mark shows such pattern of bad faith conduct. Panels has held that a pattern of abuse can be found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners. [WIPO Overview 3.0](#), section 3.1.2.

The Panel, therefore, finds that the Complainant has established the third element of 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 disputed domain names <facebookdownloader.app>, <facebookdownloader.org>, and <facebookdownloader.pro>, be transferred to the Complainant.

/Reyes Campello Estebaranz/

Reyes Campello Estebaranz

Sole Panelist

Date: November 15, 2024