

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. LTD CMSNT

Case No. D2024-4483

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 LTD CMSNT, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <trumclonefb.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 30, 2024. On October 31, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 2024, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 1, 2024, 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 November 7, 2024.

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 proceedings commenced on November 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2024. The Respondent did not submit a formal response. However, the Center received an informal email from the Respondent on November 1, 2024, and the Complainant forwarded the Respondent’s email dated November 8, 2024, to the Center. Accordingly, the Center notified the Parties that it would proceed with the panel appointment on December 2, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on December 6, 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 is a social media technology company. Among others, the Complainant operates internationally well-known online platforms and networks like Facebook and Instagram.

The Complainant is the owner of the FB trademark, which is registered in various jurisdictions. Among others, the Complainant is the owner of United States Trademark Registration No. 4659777, registered on December 23, 2014, for FB, covering protection for various services in class 35, and the European Union Trademark Registration No. 008981383, registered on August 23, 2011, for FB, covering protection for various services as protected in class 45.

The Respondent is reportedly located in Viet Nam.

The disputed domain name was registered on November 17, 2023.

According to screenshots provided by the Complainant, the disputed domain name resolves to a website in Vietnamese language (with an option to switch to English) purportedly offering for sale cloned accounts within the Complainant's online network by prominently using the Complainant's official logo and figurative trademarks without a visible and accurate disclaimer describing the (lack of) relationship between the Parties.

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 name.

B. Respondent

The Respondent did not reply to the Complainant's contentions. Instead, the Respondent merely stated in an email communication to the Center on November 1, 2024, in Vietnamese language, that "tôi chỉ thuê hộ domain, không có trách nhiệm gì ở đây nhé" (English translation: "I only rent the domain name without having responsibility here").

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no substantive response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not substantively replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

A. 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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the FB trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the FB mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the FB mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

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.

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 name. The Panel particularly notes that the Respondent is using the disputed domain name to clone accounts of the Complainant's social network platform Facebook, which is nothing else than offering and creating fake accounts within the social network of the Complainant. All the above taken together supports a conclusion that the Respondent has targeted the Complainant's trademark with the registration and use of the disputed domain name in an attempt to attract Internet users to its website to create an improper commercial advantage.

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 name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent must have had the Complainant and its FB trademark in mind when registering the disputed domain name, particularly considering content of the website associated with the disputed domain name. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain name, which comprises the entirety of the Complainant's FB trademark and, hence, is confusingly similar to the Complainant's trademark, to target the Complainant in order to generate traffic to its own website. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

As regards bad faith use, the Panel notes that the overall content of the website associated with the disputed domain name, including the use of the Complainant's FB trademark and further figurative trademarks of the Complainant. Bearing in mind that the Respondent is offering fake clone accounts for the Complainant's social media network, the Panel finds that the Respondent intentionally tries to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its FB trademark.

The Respondent's assertion in its email communication to the Center dated November 1, 2024, stating without any evidence or even further explanation that it has only "rent the disputed domain name without responsibility", is assessed by the Panel as a self-serving allegation without any influence on the Panel's overall legal assessment.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel 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 name <trumclonefb.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: December 20, 2024