



INDIA NON JUDICIAL

Government of Uttar Pradesh



IN-UP25171128890880X

e-Stamp

₹100

₹100 ₹100 ₹100 ₹100

Certificate No.

: IN-UP25171128890880X

Certificate Issued Date

: 05-May-2025 05:52 PM

Account Reference

: NEWIMPACC (SV)/ up16051704/ GAUTAMBUDDH NAGAR 1/ UP-GBN

Unique Doc. Reference

: SUBIN-UPUP1605170447749021632164X

Purchased by

: RODNEY DAVID RYDER

Description of Document

: Article 19 Certificate or other Document

Property Description

: Not Applicable

Consideration Price (Rs.)

:

First Party

: RODNEY DAVID RYDER

Second Party

: Not Applicable

Stamp Duty Paid By

: RODNEY DAVID RYDER

Stamp Duty Amount(Rs.)

: 100
(One Hundred only)

सत्यमेव जयते

Signature.....

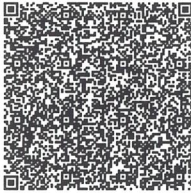
ACC Name: Kapil Rajbhar

ACC Code: UP16051704

ACC Add.: Sub Registrar office, Sec-33, Noida

Mob: 9818786334

LIC No: 217/



₹100

IN-UP25171128890880X

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INDRP ARBITRATION
THE NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]

ADMINISTRATIVE PANEL DECISION
SOLE ARBITRATOR: RODNEY D. RYDER

Meta Platforms, Inc.

v.

Malika BZDRR

INDRP CASE NUMBER - 1974

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Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

ARBITRATION AWARD

Disputed Domain Name: www.fbdown.net.in

The Parties

The Complainant in this arbitration proceeding is Meta Platforms, Inc., having its principal office at 1 Meta Way, Menlo Park, California, 94025-1444 United States of America; represented by Hogan Lovells [Paris] LLP.

The Respondent in this arbitration proceeding is Malika BZDRR, as per the details given by the Whois database maintained by the National Internet Exchange of India [NIXI].

The Domain Name and Registrar

The disputed domain name is www.fbdown.net.in. The said domain name is registered with Dynadot, LLC.

Details of the disputed domain name

The dispute concerns the domain name www.fbdown.net.in. The said domain name was registered on December 28, 2023. The particulars of the said domain name are as follows:

Registrant Organization: Malika BZDRR

Registrant Address: Malikabzdrd Multan, Multan, Punjab 66000, Pakistan


Registrant Email: malikabzdrd@gmail.com, help@fbdown.net.in

Procedural History [Arbitration Proceedings]

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy [INDRP] and the INDRP Rules of Procedure [the Rules], adopted by the National Internet Exchange of India. The Rules were approved by NIXI on 28th June 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

According to the information provided by the National Internet Exchange of India ["NIXI"], the history of this proceeding is as follows:

In accordance with Rule 2[a], NIXI formally notified the Respondent of the complaint, and appointed Rodney D. Ryder as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI.



In this matter, the arbitration proceedings commenced on April 9, 2025. A copy of the complaint with the annexures was sent to the Respondent by NIXI through an e-mail dated April 9, 2025. Thereafter, the Panel sent an e-mail dated April 9, 2025, to the Respondent requesting for submission of a response to the complaint by April 30, 2025. In accordance with applicable procedural requirements, the Panel sent an e-mail dated April 09, 2025, requesting the Complainant to share a valid proof of dispatch of the physical copy of the Complaint and annexures to the Respondent's postal address. The Complainant thereafter sent the Panel an e-mail dated April 10, 2025, stating that the lack of a street name or number in the Respondent's address made physical delivery unfeasible. The Panel therefore sent an e-mail dated April 13, 2025 asking the Respondent for their complete postal address. The Respondent did not respond to this request, file a response or seek an extension. No further communication was received by any of the parties. Specifically, the Respondent did not submit any response or send a written communication during the entire duration of the proceedings.

Grounds for the administrative proceedings

1. The disputed domain name is identical or confusingly similar to a trademark in which the Complainant has statutory/common law rights.
2. The Respondent has no rights or legitimate interests in respect of the disputed domain name.
3. The disputed domain name has been registered or is being used in bad faith.

Parties Contentions

Complainant

The Complainant, Meta Platforms, Inc. [Hereinafter referred to as 'Complainant'], in their complaint, inter alia, contended as follows:

The Respondent's domain name is identical or confusingly similar to a name, trademark or service in which the Complainant has rights.

The Complainant, based on the business, common law rights and trademark registrations for the trademarks 'FACEBOOK', 'FB' and related variations, and based on the use of the said trademark in India, the United States of America and other countries, submitted that they are the lawful owner of the trademarks 'FACEBOOK' and 'FB'.

The Complainant submits that as the disputed domain name is 'www.fbdown.net.in', the disputed domain name is clearly identical/confusingly similar to the Complainant's trademark 'FB' in which the Complainant has exclusive rights and legitimate interest.

Background of the Complainant and its statutory and common law rights Adoption:

The Complainant, Meta Platforms, Inc., is a United States-based social technology company that operates several major platforms, including Facebook, Instagram, WhatsApp, and Meta



Quest [formerly Oculus]. Previously known as Facebook Inc., the company rebranded as Meta Platforms Inc. on 28 October 2021.

The Complainant's platform, Facebook [commonly referred to as "FB"] was founded in 2004, and has since grown into one of the world's leading social networking services. The Complainant claims that as of December 2023, it has over 3 billion monthly active users and 2.11 billion daily active users worldwide and is ranked as the 16th most downloaded iOS app globally by <Data.ai>.

The Complainant further contends that they have also made significant investments to maintain a strong digital presence, actively engaging with users across various social media platforms such as Facebook, Twitter, and LinkedIn.

The Complainant is the owner of numerous domain names containing the mark 'FACEBOOK' and 'FB' under various generic Top-Level Domains [gTLDs] as well as under many country-code Top-Level Domains [ccTLDs]. Its main website is available at <www.facebook.com>, which also allows Internet users to access its messaging platform. This website is the earliest registration of the Complainant containing the mark 'FACEBOOK', dating 1997.

Statutory rights:

The Complainant has registrations for different variations of the marks 'FACEBOOK' and 'FB' [as it is commonly referred to] in the United States of America, India, and many other countries. The marks and the logo are registered under classes 35, 45 in the United States, classes 9, 35, 36, 38, 41, 42 and 45 in India and internationally.

The Complainant also has trademark registrations for its telephone logo in India as well as internationally, registered under classes 9 and 38.

Respondent

The Respondent failed to reply to the notice regarding the complaint.

Discussion and Findings

The Respondent does not have any relationship with the business of the Complainant or any legitimate interest in the marks/brands 'FACEBOOK' and 'FB'. Moreover, the Complainant has neither given any license nor authorised the Respondent to use the Complainant's mark. The Respondent has never been commonly known by the domain name in question and registered the domain name on December 28, 2023, which is subsequent to the Complainant's usage of the trademarks 'FACEBOOK' and 'FB'.

The Complainant started its operations in 2004. The domain name <www.facebook.com> [which currently houses the Complainant's primary website] has been registered by the Complainant or its predecessors in title since 1997. The Complainant's website <www.facebook.com> is extremely popular in India, the United States and around the world, and



the Complainant has valid and subsisting trademark registrations for the marks 'FACEBOOK' and 'FB', and the corresponding logos in India, as well as internationally.

The disputed domain name contains the entirety of the Complainant's trademark 'FB', which itself is a popularised version of the Complainant's other trademark 'FACEBOOK'. Furthermore, the addition of the country-code top-level domain ".net.in" is irrelevant in determining whether the disputed domain name is confusingly similar to the Complainant's mark. It is well established that the specific top-level domain, such as ".com", ".net", ".in", ".net.in", ".co.in", ".org.in", etc. does not affect the domain name for the purpose of determining whether it is identical or confusingly similar [Relevant Decisions: *Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. D2000-1525; *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. D2000-0429; *Aon PLC and Ors. v. Guanrui*, INDRP/633; *LEYBOLD GMBH v. Madhuri Pawar and Leybold Pune*, INDRP/1879; *Canva Pty Ltd. v. Jun Yin*, INDRP/1831].

It is a well-established principle that once the Complainant makes a prima facie case showing that a Respondent lacks the rights to the domain name at issue, the Respondent must come forward with the proof that it has some legitimate interest in the domain name to rebut this presumption.

The Respondent's Default

The INDRP Rules of Procedure require under Rule 13[b] that the arbitrator must ensure that each party is given a fair opportunity to present its case. Rule 13[b] reads as follows

"The Arbitrator shall at all times treat the Parties with equality and provide each one of them with a fair opportunity to present their case."

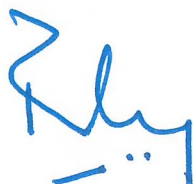
Rule 17 empowers the Arbitrator to proceed with an ex parte decision in case any party does not comply with the time limits or fails to reply against the complaint. Rule 17 reads as follows:

"In event any party breaches the provisions of INDRP rules and/or directions of the Arbitrator, the matter can be decided ex-parte by the Arbitrator and such arbitral award shall be binding in accordance to law."

The Respondent was given notice of this administrative proceeding in accordance with the Rules. The .IN Registry discharged its responsibility under Rule 2[a] to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint.

As previously indicated, the Respondent failed to file any reply to the Complaint and has not sought to answer the Complainant's assertions, evidence or contentions in any manner. The Panel finds that the Respondent has been given a fair opportunity to present his case.

The 'Rules' under paragraph 13[a] provides that the Arbitrator shall decide the Complaint on the basis of the statements and documents submitted in accordance with the INDRP and any law that the Arbitrator deems fit to be applicable. In accordance with the Rules, paragraph



17, the Arbitrator may draw such inferences as are appropriate from the Respondent's failure to reply to the Complainant's assertions and evidence or to otherwise contest the Complaint. In the circumstances, the Arbitrator's / Panel's decision is based upon the Complainant's assertions and evidence and inferences drawn from the Respondent's failure to reply.

The issues involved in the dispute

The Complainant, in its complaint, has invoked paragraph 4 of the INDRP, which reads:

"Types of Disputes –

Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

[a] the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark, etc. in which the Complainant has rights; and

[b] the Registrant has no rights or legitimate interests in respect of the domain name; and

[c] the Registrant's domain name has been registered or is being used in bad faith or for illegal/unlawful purpose."

Discussion and Findings

According to paragraph 4 of the INDRP, there are 3 essential elements of a domain name dispute, which are being discussed hereunder in light of the facts and circumstances of this case.

The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights.

It has been proved by the Complainant that they have intellectual property, particularly trademark rights and other rights in the marks 'FACEBOOK' and 'FB' by submitting substantial documents. The disputed domain name contains the Complainant's registered trademark 'FB' in its entirety and refers to their other mark 'FACEBOOK', of which the trademark 'FB' is a popularised version.

Apart from trademark registrations, the Complainant has submitted a list of domain names owned by it containing the mark 'FACEBOOK'. The Complainant's primary website under the 'FACEBOOK' mark <www.facebook.com> has been registered since 1997.

It has been previously decided under the INDRP that incorporating a trademark in its entirety is sufficient to establish the identical and confusingly similar nature of the disputed domain name. Moreover, the addition of the term "down" to the disputed domain name does not absolve it from the confusing similarity and affiliation to the Complainant's trademarks 'FACEBOOK' and 'FB'. [Relevant Decisions: Guess? IP Holder L.P. and Guess?, Inc. v. Powell Amber, INDRP/1819 [<guessindiaonline.in>]; Facebook, Inc. v. Zhou Lu, INDRP/930 [<fbpasswordhacker.in>]; Facebook, Inc. v. Haythem Chihi, WIPO Case No. D2021-1930



[<fbdownload.net>]; *Meta Platforms, Inc. v. Batyi Bela*, WIPO Case No. D2024-2017 [<fbvideodownloads.com>]].

According to paragraph 3 of the INDRP it is the responsibility of the Respondent to find out before registration that the domain name he is going to register does not violate the rights of any proprietor/brand owner.

Paragraph 3 of the INDRP is reproduced below:

“The Registrant’s Representations -

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

- [a] the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;*
- [b] to the knowledge of Registrant, the registration of the Domain Name will not infringe upon or otherwise violate the rights of any third party;*
- [c] the Registrant is not registering the domain name for an unlawful and malafide purpose; and*
- [d] the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility of the Registrant to determine whether their domain name registration infringes or violates someone else’s rights.”*

The Respondent has failed in its responsibility discussed above and in the light of the pleadings and documents filed by the Complainant; the Panel has come to the conclusion that the disputed domain name is identical with or deceptively similar to the Complainant’s trademarks ‘FB’ and ‘FACEBOOK’. Accordingly, the Panel concludes that the Complainant has satisfied the first element required by Paragraph 4 of the INDRP. [Relevant Decisions: *Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. D2000-1525; *Aon PLC and Ors. v. Gangadhar Mahesh*, INDRP/632; *Wells Fargo & Co. and Anr. v. DeepDas Kumar*, INDRP/628; *Natures Basket Limited & Ors. v. Dipti Singla*, INDRP/683; *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma*, INDRP/799; *Havells India Limited and Anr. v. Whois Foundation*, WIPO Case No. D2016-1775; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers* WIPO Case No. D2017-0754; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare*, INDRP/886; *TransferWise Ltd. vs. Normand Clavet*, INDRP/1150]

The Registrant has no rights or legitimate interests in respect of the domain name.

The second element that the Complainant needs to prove and as is required by paragraph 4[b] of the INDRP is that the Respondent has no rights or legitimate interests in the disputed domain name.



The Complainant has never assigned, granted or in any way authorised the Respondent to register or use the 'FB' and 'FACEBOOK' trademarks or any other related mark. The Complainant has been using the 'FB' and 'FACEBOOK' marks for a *bona fide* purpose in relation to its business for several years.

Moreover, the burden of proof on the Complainant regarding this element of the domain name dispute lies most directly within the Respondent's knowledge. Once the Complainant has made a *prima facie* case showing that the Respondent does not have any rights or legitimate interest in the domain name, the evidentiary burden shifts to the Respondent to rebut the contention by providing evidence of its rights or interests in the domain name. [Relevant Decision: *Instagram LLC v. Ding RiGuo.*, INDRP/1183]

The Respondent has not rebutted the contentions of the Complainant and has not produced any documents or submissions to show his interest in protecting his own right and interest in the domain name.

It has been recognised by prior panels that service providers using a domain name containing a third-party trademark may be making a *bona fide* offering of goods or services and thus have a legitimate interest in such domain name. Whether or not this is the case is typically measured against the list of factors set out in *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 [<okidataparts.com>], called the "Okidata criteria":

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder;
- (iv) the respondent must not try to "corner the market" in a domain name that reflects the trademark.

The Complaint contends that the Respondent had initially used the domain name to display a website which purported to offer tools to users to enable them to download content from the Complainant's website. The website promotes itself as a user-friendly, no-cost, and registration-free service for downloading Facebook videos. At the time of filing the complaint, it prominently referenced the Complainant's 'FACEBOOK' and 'FB' trademarks, and used modified versions of the Complainant's figurative marks, including in the favicon. The site also adopted a blue-and-white colour scheme that closely resembles Facebook's branding. Further, it notably lacked any disclaimer clarifying that it is unaffiliated with the Complainant. Instead, it contains contradictory language such as, claiming copyright as "Copyright © 2024 FBDown.Net. In All Rights Reserved."

In this regard, the Respondent has failed to prove the factors set out in the Okidata Criteria. Moreover, the Respondent has no rights over the 'FB' mark used in the disputed domain name or the logo and figurative trademark of its logo, contended to have been used in the previous website of the Respondent and has not made any legitimate non-commercial or fair use of



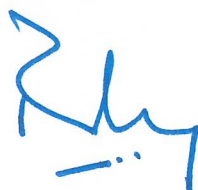
the disputed domain name, without intent for commercial gain. The Respondent is thus misleading consumers by using the Complainant's marks 'FB' and 'FACEBOOK' in the disputed domain name.

Further, the purported provision of a feature to download the content from the Complainant's website on the disputed Domain Name was not authorised by the Complainant and violated the Complainant's Terms of Service. [Relevant Decisions: *Meta Platforms, Inc. v. Saida Yakubova*, WIPO Case No. D2023-1029; *Facebook, Inc. v. Domain Administrator, PrivacyGuardian.org / Hernando Sierra*, WIPO Case No. D2018-1145; *Meta Platforms, Inc. v. Vladimir Shubert*, WIPO Case No. D2024-3370]

Further, the Respondent's name, "Malika BZDRR", does not bear any resemblance or relation to the disputed domain name. The Respondent's purported previous or current use of the disputed domain cannot support any reasonable claim of being commonly known by the disputed domain name, and such use also fails to establish any independent reputation of the Respondent in the disputed domain name, distinct from the Complainant's trademark rights. This clearly establishes that the Respondent is attempting to encash on the goodwill and reputation of the Complainant and their marks 'FB' and 'FACEBOOK' and their logos and figurative trademarks, raising the risk of implied affiliation. It has been established by Panels that the use of modified versions of the Complainant's logo contributes to a risk of confusion and implied affiliation with the Complainant and does not constitute *bona fide* use. [Relevant Decisions: *Adobe Inc. v. Seeds Provider*, INDRP/1255; *WhatsApp Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Mohsen Moussawi*, WIPO Case No. D2021-0032; *Lemon Inc. v. saleem abbas*, WIPO Case No. D2023-4066].

In addition to this, the fact that the Respondent has previously been involved in similar domain name disputes where panels have ordered the transfer of FB/FACEBOOK-formative, INSTA/INSTAGRAM-formative, and WHATSAPP-formative domain names to the Complainant or its affiliates clearly establishes that the Respondent must have registered the domain name to cash in on the popularity of the Complainant's brand [Relevant Decisions: *Meta Platforms, Inc. v. Malika BZDRR*, WIPO Case No. D2024-5326 [<facebookvideodownloader.cc> et al.]; *WhatsApp, LLC. v. Malika BZDRR*, WIPO Case No. D2023-4808 [<downloadgbwhatsapp.co> et al.]; *Instagram, LLC v. Malika BZDRR*, WIPO Case No. D2024-3568 [<saveinstaa.com>]; and *Instagram, LLC v. Malika BZDRR*, WIPO Case No. D2024-2887 [<downloadvideoinstagram.net>]].

Moreover, the fact that the disputed domain name was registered by the Respondent subsequent to the Complainant's use of the marks 'FB' and 'FACEBOOK' further proves that the Respondent must have registered the domain name to profit off the goodwill and reputation of the Complainant's brands. Additionally, the fact that the Respondent has not submitted any response in its defence, as well as the fact that the WHOIS details provided by the Respondent are either incomplete or incorrect, indicates, under the present



circumstances, the lack of rights and legitimate interests of the Respondent in the disputed domain name.

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. [Relevant Decisions: *Aon PLC and Ors. v. Guanrui*, INDRP/633; *Wells Fargo & Co. and Anr. v. SreeDas Kumar*, INDRP/666; *QRG Enterprises Limited & Anr. v. Zhang Mi*, INDRP/852; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers* WIPO Case No. D2017-0754; *Havells India Limited and Anr. v. Whois Foundation*, WIPO Case No. D2016-1775; *Mahendra Singh Dhoni and Anr. v. David Hanley*, WIPO Case No. D2016-1692; *Instagram, LLC v. shao ning liu, liu shao ning*, WIPO Case No. D2019-1264]

The Registrant's domain name has been registered or is being used in bad faith.

It has been contended by the Complainant that the Respondent has registered and has used the disputed domain name in bad faith. The language of the INDRP paragraph 4[c] is clear enough, and requires that either bad faith registration or bad faith use be proved.

Paragraph 7 of the INDRP provides that the following circumstances are deemed to be evidence that a Respondent has registered and used a domain name in bad faith:

"For the purposes of Clause 4[c], the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the Registration and use of a domain name in bad faith:

- (a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the Trademark or Service Mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or*
- (b) the Registrant has registered the domain name in order to prevent the owner of the Trademark or Service Mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or*
- (c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location; or The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor."*

From the circumstances of the case and from the evidences put before the Panel by the Complainant, the Panel is of the opinion that the Respondent had no previous connection with the disputed domain name or the marks 'FB' and 'FACEBOOK' and any use of the



disputed domain name by the Respondent, would result in confusion and deception of the trade, consumers and public, who would assume a connection or association between the Complainant and the Respondent's website or other online locations of the Respondent or product/services on the Respondent's website and otherwise, due to the use by Respondent of the Complainant's trademarks 'FB' and 'FACEBOOK' in the disputed domain name, which trademark has been widely used by the Complainant and which trademark is associated exclusively with the Complainant.

The Panel is prepared to accept the Complainant's contention that its mark, its logo and the corresponding business through the website <www.facebook.com> is famous. With regard to famous names, successive UDRP panels have found bad faith registration because the Complainant's name was famous at the time of registration: *PrivacyGuardian.org / Tuyen Quang*, WIPO Case No. D2022-0102 [<fbion.com>]; and *Facebook, Inc. v. Domain Administrator, PrivacyGuardian.org / Hernando Sierra*, WIPO Case No. D2018-1145 [<genfb.com> et al.]].

Based on the submissions and evidences put forth before the Panel, the Panel is of the belief that the Respondent would have definitely known about the Complainant's marks 'FB' and 'FACEBOOK' and their reputation at the time of registering the disputed domain name.

The domain name is deceptively similar to the trademark of the Complainant and will lead to confusion with the Complainant's marks 'FB' and 'FACEBOOK' as to the source, sponsorship, affiliation or endorsement of the Respondent's business by the Complainant. Moreover, the contended portrayal of an association with the Complainant's brand by the Respondent through his initial website is, in view of the Panel, a constituent of bad faith on the part of the Respondent.

The fact that the disputed domain name was registered by the Respondent subsequent to the Complainant's use of the marks 'FB' and 'FACEBOOK' makes it apparent that the Respondent must have registered the domain name to cash in on the popularity of the Complainant's 'FB' and 'FACEBOOK' brands and website <www.facebook.com>. Additionally, the fact that the Respondent has not submitted any response in its defence as well as the fact that the WHOIS details provided by the Respondent are either incomplete or incorrect, are both indicators of bad faith under the present circumstances.

On bad faith registration and use [generally], panels have noted: "Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith": *NAF/FA95314 [thecaravanclub.com]*, *WIPO/D2000-0808* [very use of domain name by Respondent who had no connection whatsoever with Complainant's mark and product suggests opportunistic bad faith - *4icq.com*]; "Registration of a domain name that is confusingly similar or identical to a famous trademark....is itself sufficient evidence of bad faith registration and use" [*Wells Fargo*



& Co. and Anr. v. Krishna Reddy, INDRP/581]; QRG Enterprises Limited & Anr. v. Zhang Mi, INDRP/852].

Further, the Respondent's involvement in similar domain name disputes involving the Complainant and where panels have ordered the transfer of FB/FACEBOOK-formative, INSTA/INSTAGRAM-formative, and WHATSAPP-formative domain names to the Complainant or its affiliates clearly establishes that the Respondent must have registered the domain name to cash in on the popularity of the Complainant's brand and that the Respondent has engaged in a pattern of trade mark-abusive registration targeting the Complainant and its related companies, which amounts to further evidence of bad faith. [Relevant Decisions: *Meta Platforms, Inc. v. Malika BZDRR*, WIPO Case No. D2024-5326 [<facebookvideodownloader.cc> et al.]; *WhatsApp, LLC. v. Malika BZDRR*, WIPO Case No. D2023-4808 [<downloadgbwhatsapp.co> et al.]; *Instagram, LLC v. Malika BZDRR*, WIPO Case No. D2024-3568 [<saveinstaa.com>]; and *Instagram, LLC v. Malika BZDRR*, WIPO Case No. D2024-2887 [<downloadvideoinstagram.net>]].

Thus, all three conditions given in paragraph 4 of the INDRP are proved in the circumstances of this case and thus the registration of the disputed domain name by the Respondent/Registrant is a registration in bad faith.

Decision

The Respondent has failed to comply with Para 3 of the INDRP which requires that it is the responsibility of the Respondent to ensure before the registration of the disputed domain name by it that the domain name registration does not infringe or violate someone else's rights.

The Complainant has given sufficient evidence to prove extensive trademark rights over the disputed domain name. Further, the Respondent's adoption and registration of the disputed domain name is dishonest and malafide.

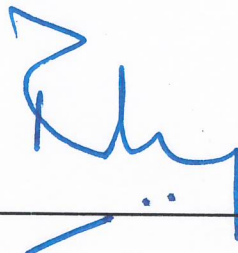
While the overall burden of proof rests with the Complainant, panels have recognized that this could result in the often-impossible task of proving a negative, requiring information that is often primarily within the knowledge of the Respondent. Therefore, the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such a *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. In this case, the Respondent did not file any response in its defense. Based on the facts of the case, it is apparent that the Respondent is using the disputed domain name in bad faith and has registered the domain name to cash in on the reputation of the Complainant's mark and to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name.

[Relevant Decisions: *Lego Juris AS v. Robert Martin* INDRP/125; *Societe Air France v. DNS Admin* INDRP/075; *Kelemata SPA v. Mr Bassarab Dungaciu* WIPO D2003-0849; *Croatia*



Airlines d.d. v. Modern Empire Internet Ltd. WIPO D2003-0455; Uniroyal Engineered Products, Inc. v. Nauga Network Services WIPO D2000-0503; Microsoft Corporation v. Chun Man Kam INDRP/119; AB Electrolux v. Liheng, INDRP/700; Equitas Holding Limited v. Sivadas K P, INDRP/724; BearingPoint IP Holdings B.V. v. Deborah R. Heacock, INDRP/822; Dell Inc. v. Jack Sun, INDRP/312; HID Global Corporation v. Zhaxia, INDRP/652; McDonald's Corporation v. Ravinder, INDRP/746; MontBlanc-Simplo G.M.B.H. v. M S Mohamed Salihu, INDRP/678; Orica Australia Proprietary Limited v. Bev Gran, D N Solutions, INDRP/237; Sopra Steria Group v. Xu Xiantao, INDRP/796; Panasonic Corporation v. Sun Wei, INDRP/527; Wal-Mart Stores, Inc. v. Machang, INDRP/539; PJS International S.A. v. Xiangwang, INDRP/616; Aon PLC and Ors. v. Gangadhar Mahesh, INDRP/632 ; Aon PLC and Ors. v. Guanrui, INDRP/633; Wells Fargo & Co. and Anr. v. Krishna Reddy, INDRP/581; Wells Fargo & Co. and Anr. v. SreeDas Kumar, INDRP/666; Wells Fargo & Co. and Anr. v. DeepDas Kumar, INDRP/628; Natures Basket Limited & Ors. v. Dipti Singla, INDRP/683; General Motors India Pvt. Ltd. & Anr. v. Anish Sharma, INDRP/799; QRG Enterprises Limited & Anr. v. Zhang Mi, INDRP/852; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers WIPO Case No. D2017-0754; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare, INDRP/886]

The Respondent's registration and use of the domain name [www.fbdown.net.in] is abusive and in bad faith. The Respondent has no rights or legitimate interests in respect of the domain name. In accordance with Policy and Rules, the Panel directs that the disputed domain name [www.fbdown.net.in] be transferred from the Respondent to the Complainant; with a request to NIXI to monitor the transfer.



Rodney D. Ryder
Sole Arbitrator

Date: May 9, 2025