



सत्यमेव जयते

## INDIA NON JUDICIAL

### Government of National Capital Territory of Delhi

#### e-Stamp

Certificate No. : IN-DL85266709707738X  
Certificate Issued Date : 16-May-2025 04:25 PM  
Account Reference : IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH  
Unique Doc. Reference : SUBIN-DLDSLHIMP1709532846757515X  
Purchased by : BHARAT S KUMAR  
Description of Document : Article 4 Affidavit  
Property Description : Not Applicable  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : BHARAT S KUMAR  
Second Party : Not Applicable  
Stamp Duty Paid By : BHARAT S KUMAR  
Stamp Duty Amount(Rs.) : 100  
(One Hundred only)



BEFORE BHARAT S KUMAR, SOLE ARBITRATOR

.IN REGISTRY

NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)

INDRP Case No. 1969

DISPUTED DOMAIN NAME: <FBDOWNLOADER.NET.IN>

ARBITRATION AWARD DATED JUNE 4<sup>th</sup>, 2025



#### 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 Corporation of India.
2. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
3. The onus of checking the legitimacy is on the users of the certificate.
4. In case of any discrepancy please inform the Competent Authority.

BEFORE BHARAT S KUMAR, SOLE ARBITRATOR  
.IN REGISTRY  
NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)  
INDRP ARBITRATION  
INDRP Case No. 1969  
DISPUTED DOMAIN NAME: <FBDOWNLOADER.NET.IN>  
ARBITRATION AWARD DATED JUNE 4<sup>th</sup>, 2025

IN THE MATTER OF:

**Meta Platforms,**

1 Meta Way,

Menlo Park, California 94025-1444

United States of America

Complainant

VERSUS

**Malika BZDRR**

Malikabzdrd Multan

Multan

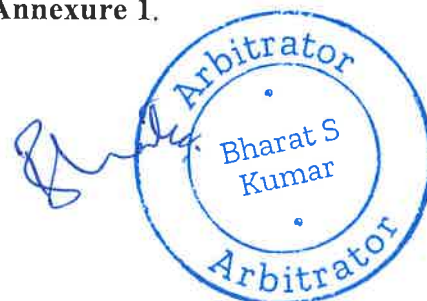
Punjab 66000

Pakistan

Respondent

1. **The Parties in the proceeding:**

The complainant in this administrative proceeding is Meta Platforms, Inc. (formerly Facebook, Inc.) (Meta), an American corporation with its principal place of business at 1 Meta Way Menlo Park, California, 94025-1444, United States of America (hereinafter referred to as the "complainant"). The complainant has filed its certificate of incorporation as **Annexure 1**.



The complainant has authorized Mr. David Taylor /Ms. Jane Seager from Hogan Lovells (Paris) LLP, 17 Avenue Matignon, 75008 Paris, France as its authorized representative in the present proceedings. In support of the same, the complainant has placed a Power of Attorney dated November 18<sup>th</sup>, 2024 from Mr. Scott Minden, the authorized representative of the complainant. No resolution affirming the authority of Mr. Minden has been placed on record. The Power of Attorney also does not bear the seal of the complainant company. A copy of the Power of Attorney has been filed with this present complaint as **Annexure 2**.

The Respondent in the present proceedings is **Malika BZDRR**, having its address at Malikabzdr Multan, Punjab, Pakistan – 66000. The complainant has also filed the publicly-available WHOIS record, dated December 27<sup>th</sup>, 2024, for the domain name <fbdownloader.net.in>, as **Annexure 3**.

2. **Domain Name and Registrar:-**

The disputed domain name is <fbdownloader.net.in>. The domain name was registered on December 28<sup>th</sup>, 2023. The registrar with which the domain name is registered is Dynadot LLC: 210 S Ellsworth Ave , P.O. Box 345, San Mateo CA 94401, United States Telephone: +16502620100, The email address of the registrar is, [info@dynadot.com](mailto:info@dynadot.com).

3. **Procedural History:**

3.1 This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy") adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules"). The arbitration proceeding is approved 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 disputes pursuant to the said Policy and the Rules.



3.2 The complaint was filed by the complainant with NIXI against the respondent. On 26.03.2025, to ensure compliance, I had submitted statement of acceptance and declaration of impartiality and independence as required by the Arbitrator's Empanelment Rules (Rule 5). On 07.04.2025, I was appointed as the sole arbitrator to decide the disputes between the parties. NIXI notified both the parties of my appointment as arbitrator *via* email dated 07.04.2025. NIXI had also served by email an electronic copy of the complainant with annexures, on the respondent at the email address of the respondent, [malikabzdr@gmail.com](mailto:malikabzdr@gmail.com), whilst appointing me as an arbitrator.

3.3 On 07.04.2025, I had issued notice to the respondent and directed the complainant to serve the complete paperbook on the respondent through email and post, both, i.e. the amended complaint which was filed by the complainant and the complete annexures (annexures 1 to 16). The service was done by the complainant's counsel, Ms. Jane Seager, through three emails on 09.04.2025, on the email address present through a WHOIS lookup, i.e. [malikabzdr@gmail.com](mailto:malikabzdr@gmail.com). Ms. Seager had, whilst sharing evidence of the service on the respondent, also vide email dated 10.04.2025 mentioned to me - *"Please find attached proof of service confirming that the documents were sent to the Respondent today via three separate emails. No bounce-back messages to the Respondent's email address (malikabzdr@gmail.com) were received, indicating successful delivery"* **and** *"Regarding postal service, please note that the Respondent's contact information, as disclosed by the Registrar, appears to be false or incomplete. The provided postal address - "Malikabzdr, Multan, Multan, Punjab 66000, Pakistan" - lacks a street name or number, making physical delivery unfeasible. In light of this, the Complainant respectfully requests that no hard copy service by registered post be required in this matter"*.

3.4 That, owing to the respondent address itself being incomplete and/or incorrect in the WHOIS database, I had permitted the complainant's (Ms.



Seager's) service through email as an effective mode of service vide my email dated 10.04.2025. It may be noted that I had on 07.04.2025 also granted the respondent a time period of 15 days, to file a response to the complaint, from my email and the delivery of service of the complete paperbook.

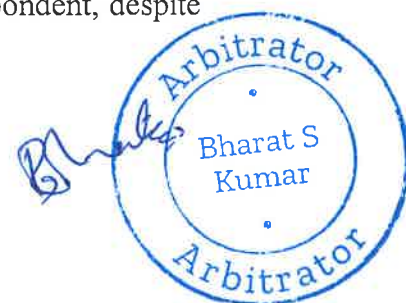
3.5 That pursuant to no response from the respondent for 15 days after service of the complaint and the documents(annexures), I had on 25.04.2025 sent an email to the respondent apprising it of its rights to file a defence (response), being closed. That in the same email, I had also asked the complainant's counsel whether they wish to seek any personal hearing, to which they declined the same and requested that the complaint further proceed on merits.

3.6 That, all the communications to the complainant, respondent and NIXI by this tribunal have been through email. None of the emails sent on [malikabzdr@gmail.com](mailto:malikabzdr@gmail.com) have bounced or returned. I therefore hold that the service is complete as per the INDRP rules as all correspondences effectively took place on [malikabzdr@gmail.com](mailto:malikabzdr@gmail.com).

**Respondent being proceeded *ex-parte*:**

3.7 I wish to highlight Clause 13(b) of the INDRP Rules of procedure requires that 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. Clause 17 of the INDRP Rules of procedure grant the power to an arbitrator to proceed *ex-parte*, in the event any party breaches the provisions of INDRP rules and/or directions of the arbitrator.

3.8 The respondent has been given a fair opportunity to represent itself, respond to the complainant's assertions & contentions and counter the same, if it so wishes to. However, there has been no response by the respondent, despite





effective service. It is noteworthy that Clause 18 of the INDRP Rules of procedure mandate that an arbitrator shall decide a complaint on the basis of the pleadings submitted and in accordance with the Arbitration & Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2015 read with the Arbitration & Conciliation Rules, Dispute Resolution Policy, the Rules of Procedure and any by-laws, and guidelines and any law that the arbitrator deems to be applicable, as amended from time to time. In these circumstances this tribunal proceeds to decide the complaint on merits, in accordance with said act, policy and rules on respondent's failure to submit a response, despite having been given sufficient opportunity and time to do so and represent itself. As a result of the aforementioned, the respondent is proceeded *ex-parte*.

4. **Legitimate rights under which a complainant can approach NIXI:**

4.1 The complainant has invoked Clause 4 of the INDRP policy to initiate the arbitration proceeding. Clause 4 reads as under:

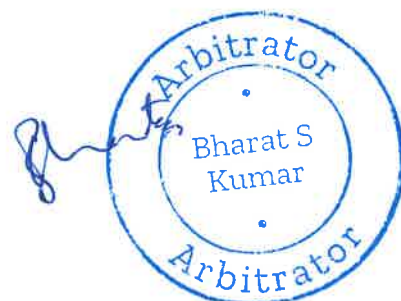
*4. Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:*

*(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 either in bad faith or for illegal/unlawful purpose.*

The complainant therefore has to satisfy this arbitral tribunal on all the three aforementioned clauses/conditions, i.e. 4 (a), (b) and (c).



## 5. Case of the complainant

5.1 The complainant, Meta Platforms, Inc., (**Meta**) states that is a United States social technology company, and operates, *inter alia*, Facebook, Instagram, Meta Quest (formerly Oculus) and WhatsApp. It avers that it was formerly known as Facebook Inc., announced its change of name to Meta Platforms Inc on 28 October 2021, and this was publicised worldwide. The complainant claims that Meta's focus is to bring the metaverse to life and to help people connect, find communities and grow businesses. It further states that the metaverse will feel like a hybrid of today's online social experiences, sometimes expanded into three dimensions or projected into the physical world. It will let users share immersive experiences with other people even when they cannot be together – and do things together they could not do in the physical world. Copies of the Complainant's press release "Introducing Meta: A Social Technology Company", together with the "*Meta Reports Second Quarter 2024 Results*" press release, Meta Platforms Wikipedia page, and press articles from international publications regarding the complainant's launch of the Meta brand have been attached with the present complaint as **Annexure 4**. The complainant has also attached screen captures of its webpage <https://about.meta.com> with the present complaint as **Annexure 5**.

Assertions about Facebook:

5.2 The complainant states that, its Facebook platform (**Facebook**) was founded in the year 2004. It further states that Facebook, commonly referred to as "FB", is a leading provider of online social-media and social-networking services. That, Facebook's mission is to give people the power to build community and bring the world closer together. It avers that people use Facebook's services to stay connected with friends and family, to discover

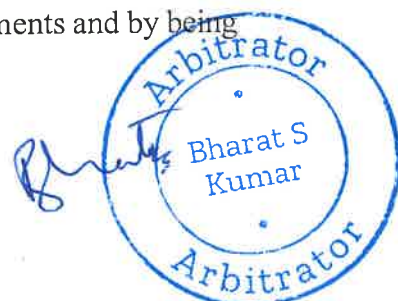


what's going on in the world, and to share and express what matters to them. The complainant has filed a screen capture of Facebook's homepage at [www.facebook.com](http://www.facebook.com), as **Annexure 6**.

5.3 The complainant also avers that since its launch in 2004, Facebook rapidly developed considerable renown and goodwill worldwide, with 1 million active users by the end of 2004, 100 million users in August 2008, 500 million users in July 2010, 1 billion users worldwide by September 2012 and 2.27 billion users as of September 2018. It states that today, Facebook has over 3 billion monthly active users and 2.11 billion daily active users on average worldwide (as of December 2023). That, Facebook is currently ranked as the 16th app by downloads for iOS phones worldwide, according to applications information company Data.ai. In 2024, the FACEBOOK brand ranked 21st in Interbrand's Best Global Brands report. The complainant has also filed Facebook's company information, Interbrand's Best Global Brands for 2024, Facebook's Wikipedia entry and press articles on Facebook's rapid growth and popularity worldwide, as **Annexure 7**. Further, as **Annexure 8**, the complainant has filed screen captures of online dictionaries evidencing that the term "FB" commonly refers to its Facebook platform.

5.4 The complainant further avers that reflecting its global reach, the complainant is the owner of numerous domain names, comprising its Facebook trade mark, under various generic Top-Level Domains (gTLDs) as well as under many country code Top-Level Domains. In support of the same, the complainant has also filed copies of the WHOIs records for a selection of domain names comprising of its Facebook trade mark as **Annexure 9**.

5.5 In support of its endeavours to affirm a strong presence online, the complainant avers that it has also made substantial investments and by being





active on various social-media forums. For instance, Facebook's official page on Facebook has over 141 million "likes" and 605 thousand followers on X. These pages are available at the following URLs:

<https://www.facebook.com/facebook>

<https://www.instagram.com/facebook/>

<https://x.com/facebook>



<https://www.youtube.com/@facebookapp>

<https://www.linkedin.com/company/facebook/>



In support of the same, the complainant has also filed screen captures of its social-media pages as **Annexure 10**.

**The complainant's statutory claims pertaining to trademarks "FB" and "Facebook":**

5.6 The Complainant claims that it has secured ownership of numerous trade mark registrations for FB and Facebook, including but not limited to the following:

- Indian Trademark Registration No. 4337405, FB, registered on 4 November 2019;
- European Union Trademark No. 008981383, FB, registered on 23 August 2011;
- United States Trademark Registration No. 4659777, FB, registered on 23 December 2014;
- Pakistani Trademark Registration No. 248352, FACEBOOK, Registered on 31 March 2008 (class 45);
- Indian Trademark No. 1622925, FACEBOOK, registered on 9 November 2011;
- United States Trademark Registration No. 3122052, FACEBOOK, registered on 25 July 2006 (first use in commerce in 2004);
- European Union Trademark No. 005722392, FACEBOOK, registered on 29 April 2008; and
- International Registration No. 1075094, , registered on 16 July 2010.
- Indian Trademark Registration No. 1969520, , registered on 21 May 2010;



- United States Trademark Registration No. 4978379, , registered on 14 June 2016; and
- European Union Trademark No. 009776601, , registered on 22 November 2011.

The complainant states that its valuable reputation offline and online is not only crucial to maintain the value and distinctiveness of its brand, but also vital to the success, integrity and protection of its business and customers. Accordingly, the complainant avers that it devotes significant resources to protect its trademark rights and goodwill in forums such as this administrative proceeding. In support of the aforementioned averments, the complainant has also filed trademark registrations at **Annexure 11**.

#### 6. The dispute raised before this tribunal – case of the complainant:

##### The Domain Name and associated website

6.1 The complainant avers that it was recently made aware of the respondent's registration of the Domain Name, comprising its FB trademark with addition of the term "downloader", under the ccTLD ".net.in".



6.2 The complainant avers that the Domain Name redirects to the website at <https://fbdown.net.in/>, entitled "FBDown", that purports to offer tools that enable Internet users to download content from Facebook (the respondent's website).

More specifically, the complainant avers that the respondent's website states: "Try downloading videos while using Facebook but face restrictions. Your issue may be resolved most effectively with FBDown.Net.in. It is an internet tool that is available to you without charge. Installing any apps or making any payments is not required. Moreover, using this internet service doesn't



require registration or membership. With this user-friendly tool, downloading any Facebook video is a breeze."

6.3 The complainant states that the respondent's website makes prominent reference to its FACEBOOK and FB trademarks, and uses variations of the complainant's figurative trademarks, including in the favicon, as follows:

	
Complainant's figurative trademarks	Logo appearing on the Respondent's website

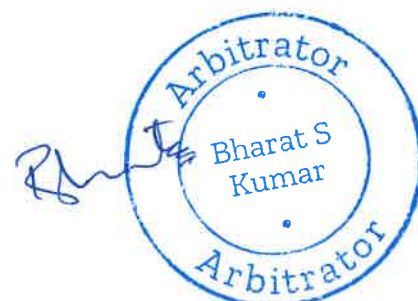
6.4 The complainant also avers that the respondent's website features a blue and white colour scheme that is very similar to the colour scheme used on its Facebook platform. Further, it avers that the respondent's website does not provide a disclaimer clarifying its relationship (or absence of relationship) with the complainant. The respondent's website states at the bottom of the homepage:

"Copyright © 2024 FBDown.Net.In. All Rights Reserved."

In addition, it avers that the respondent's website further states:

"Never associate our trademark Facebook Video Downloader™ with and never confuse our Facebook Video Downloader™ with any other individual(s), entity(ies), application(s), website(s), goods or services of other individuals and entities if not belong to Facebook Video Downloader."

The complainant has also filed screen captures of the website to which the Domain Name resolves as well as evidence of redirection as **Annexure 12**.



The complainant's assertions pertaining to the respondent being a habitual cyber squatter:

6.5 The complainant avers that the respondent is habitually engaged in cybersquatting. To evidence the same, it lists the following cases, in which it avers that the relevant Panel ordered the transfer of the FB/FACEBOOK-formative, INSTA/INSTAGRAM-formative and WHATSAPP-formative domain names to the complainant and its related companies:

- *Meta Platforms, Inc. v. Malika BZDRR*, WIPO Case No. D2024-5326 (<facebookvideodownloader.cc> et al.)<sup>3</sup>;

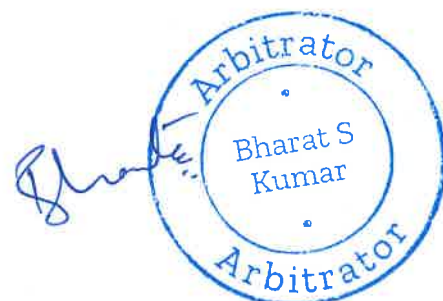
- *WhatsApp, LLC. v. Malika BZDRR*, WIPO Case No. D2023-4808 (<downloadgbwhatsapp.co> et al.)<sup>4</sup>;

- *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>).

6.6 The complainant avers that in addition to the aforementioned, the respondent is the registrant of at least six domain names (the Domain Name and the domain names <facebookvideodownloader.ind.in>, <facebookvideodownloader.net.in>, <fbdown.net.in>, <fbvideodownloader.net.in> and <fbvideodownloader.ind.in>) which target the complainant's rights.

To further strengthen its case, the complainant draws attention to **Annexure 16** for the underlying registrant details disclosed by NIXI further to its filing of INDRP Complaints regarding the Domain Name and the domain names <facebookvideodownloader.ind.in>, <facebookvideodownloader.net.in>,



<fbdown.net.in>,                      <fbvideodownloader.net.in>                      and  
 <fbvideodownloader.ind.in>.

## 7. Analysis

7.1 It is pertinent to note that Paragraph 4 of the INDRP Domain Name Dispute Resolution Policy, mentions about class of disputes, which grants any person who considers that a registered domain name conflicts with his/her legitimate rights or interests, the right to file a complaint with the .IN Registry. There are 3 conditions which an aggrieved right holder may file the complaint under. The complainant has in the present complaint mentioned that its rights under all the three conditions, have been violated:

- i. Condition 4(a) - The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the complainant has rights;

The complainant has stated that the Domain Name incorporates its FB trademark followed by the term "downloader", under the domain extension ".net.in". It submits that the addition of the term "downloader" does not prevent a finding of confusing similarity with the complainant's FB trademark, which remains clearly recognizable in the Domain Name. It lays reliance on WIPO Overview 3.0, section 1.8 and on the following cases:

- i. *Guess? IP Holder L.P. and Guess?, Inc. v. Powell Amber*, INDRP/1819 (<guessindiaonline.in>);
- ii. *Facebook, Inc. v. Zhou Lu*, INDRP/930 (<fbpasswordhacker.in>);
- iii. *Meta Platforms, Inc. v. Batyi Bela*, WIPO Case No. D2024-2017 (<fbvideodownloads.com>);
- iv. *Meta Platforms, Inc., Instagram, LLC v. Sonia Webster, tan alisa, tencent* WIPO Case No. D2024-0691 (<facebookvideodownloader.org> et al.).

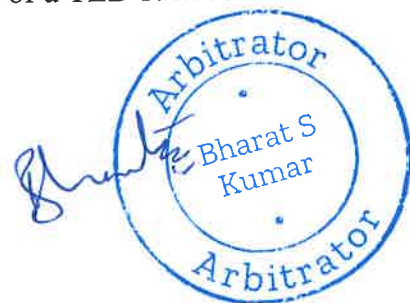




The complainant further avers that with regard to the ".net.in" domain extension, it is well established under the .IN Policy that such domain extension may be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant's trademark. For the same, it places reliance on *Canva Pty Ltd v. Jun Yin*, INDRP/1831, (<canva.com.in>). Basis the aforementioned, the complainant asserts that the disputed domain name is confusingly similar to the complainant's trade mark in accordance with paragraph 4(a) of the .IN Policy.

I have gone through the pleadings and documents filed by the complainant. With regard to the fulfilment of paragraph 4(a) of the INDRP policy, it is evident that the complainant has been continuously and extensively using the registered trademark FB and/or FACEBOOK in the course of trade and commerce since its launch in the year 2004. The complainant has also registered its trademarks FB and Facebook, across myriad jurisdictions including the home country of the respondent and in India. Its statutory rights thus, in the trademarks FB and Facebook are therefore well established. It is pertinent to note that the disputed domain name fbdownloader.net.in was registered on December 28, 2023, much later than the adoption and registration of the complainant's registered trademarks, FB and Facebook.

It is noteworthy that a perusal of the disputed domain name 'fbdownloader.net.in' of the registrant/respondent shows that the respondent has used the complainant's trademark 'FB' in its entirety and merely added a word "downloader", as a suffix to it. Pertinently, the complainant has an Indian Trademark Registration, bearing number: 4337405, for the trademark "FB". The disputed domain name 'fbdownloader.net.in' not only dilutes the complainant's trademark FB, but is confusingly similar to it too, with the addition of 'downloader', a generic term used in the parlance on the internet, attached to it. It is well established that the mere addition of a TLD such as

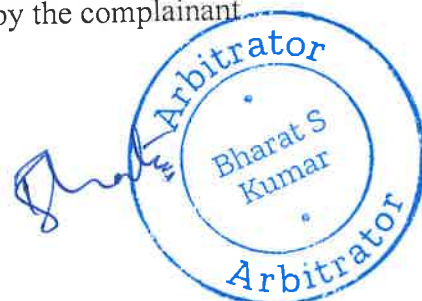


"net.in" and even a suffix, such as 'downloader' to a trademark(s), are not significant in distinguishing a domain name.

Emphasis is placed on a WIPO panel case shared by the complainant itself, *Meta Platforms, Inc. v. Batyi Bela*, WIPO Case No. D2024-2017 (<fbvideodownloads.com>):

"The FB mark is reproduced and is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [...] Although the addition of other terms, here "video" and "downloads" 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 mark for the purposes of the Policy."

It has been held by prior panels deciding under the INDRP, such as in *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, that there is confusing/deceptive similarity where the disputed domain name wholly incorporates a complainant's trade mark. It is further noteworthy that, a TLD/ccTLD such as "net.in" is an essential part of domain name. Therefore, it cannot be said to distinguish the respondent's domain name 'fbdownloader.net.in' from the complainant's trademark 'FB'. In **Satyam Infoway Ltd vs Siffynet Solutions Pvt. Ltd AIR 2004 SC 3540**, the Hon'ble Supreme Court of India stated that the law pertaining to the Trademark Act, 1999 shall be applicable to domain names in India. The Hon'ble Supreme Court of India also observed that domain names have the same characteristics of a trademark and thus act as a source and business identifier. In *M/s Retail Royalty Company v. Mr. Folk Brook INDRP/705*, wherein on the basis of the complainant's registered trademark and domain names for "AMERICAN EAGLE", having been created by the complainant



much before the date of creation of the disputed domain name <americaneagle.co.in> by the respondent, it was held that:

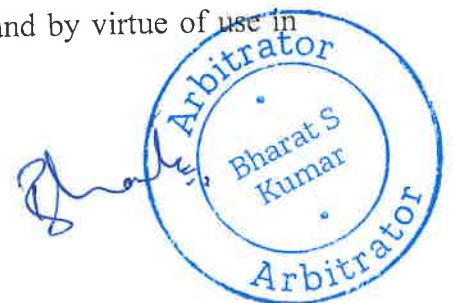
*"The disputed domain name is very much similar to the name - and trademark of the complainant. The Hon'ble Supreme Court of India has recently held that the domain name has become a business identifier. A domain name helps identify the subject of trade or service that an entity seeks to provide to its potential customers. Further that there is a strong likelihood that a web browser looking for AMERICAN EAGLE products in India or elsewhere would mistake the disputed domain name as of the complainant. "*

A precedent, pertinent to the present case at hand, was stated in *WhatsApp, Inc. v. Nasser Bahaj*, WIPO Case No. D2016-058. The relevant excerpts are highlighted as hereinunder:

*"The disputed domain name <ogwhatsapp.org> comprises the Complainant's trademark WHATSAPP combined with the letters "og" which are the initials of the developer Osama Ghoraib as indicated on the website of the Respondent. Adding these two letters does not in any way eliminate the confusing similarity with the Complainant's trademark. As for the gTLD ".org", it is established that a gTLD does not typically eliminate confusion.*

*The disputed domain name <whatsapp-plus.org> comprises the Complainant's trademark WHATSAPP in its entirety. Adding the term "plus" not only does not eliminate confusion but on the contrary gives the impression that new and enhanced versions of the Complainant's application are available through the website the disputed domain name resolves to.*"

I reiterate that the complainant has rights in the trademark FB by way of trademark registrations across myriad jurisdiction, and by virtue of use in



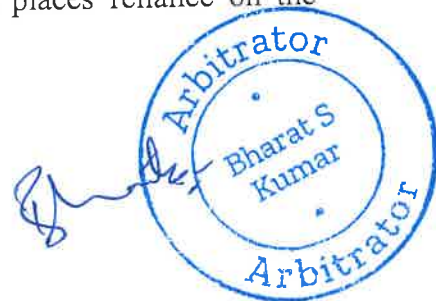
the course of trade, as part of their company. Pertinently, the complainant's first use of "FB", is also much prior to the date on which the respondent created the impugned domain <fbdownloader.net.in>, incorporating the complainant's trademark FB in totality and as a whole. I believe that merely adding "downloader" not only creates confusion, but may even make a potential web user believe that this may well be an enhanced version of the complainant's website and/or application.

The respondent has not filed any response to the assertions put forth by the complainant. The averments of the complainant thus remain unrebutted.

In view of the above facts and submissions of the complainant, on perusal of the documents filed and annexed with the complaint, I therefore hold that the disputed domain name <fbdownloader.net.in> of the registrant (respondent) is confusingly/deceptively similar to the trademark FB of the complainant.

- ii. Condition no.4 (b) the Respondent (Registrant) has no rights or legitimate interest in respect of the domain name:

The complainant asserts that the respondent is unable to invoke any of the circumstances set out in Paragraph 6 of the .IN Policy to demonstrate rights or legitimate interests in the domain name. To further its claims, the complainant states that the respondent cannot assert that, prior to any notice of this dispute, it was using, or had made demonstrable preparations to use, the domain name in connection, fbdownloader.net.in, with a bona fide offering of goods or services in accordance with paragraph 6(a) of the .IN Policy. The complainant further states that it has not authorised, licensed or otherwise allowed the respondent to make any use of its FB trade mark, in a domain name or otherwise. It places reliance on the



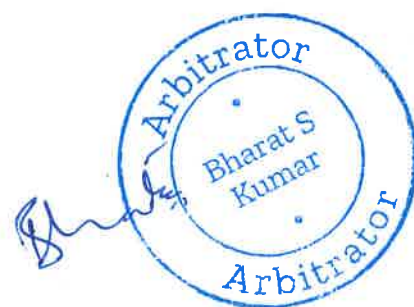
decision of prior panels, averring that the lack of such prior authorisation would be sufficient to establish a prima facie case regarding the respondent's lack of rights or legitimate interests in the disputed domain name. In stating that same, the complainant relies on *Wacom Co. Ltd. v. Liheng*, INDRP/634, wherein it was stated that:

*"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"*

The complainant further avers that the respondent's website purports to provide tools to download content from social media platforms including Facebook.

The complainant also states that prior panels have recognized that service providers using a domain name containing a third-party trade mark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name, which is not in the present case. The complainant further avers that this case is typically measured against the list of factors set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 (**the Oki Data criteria**):

- (a) the respondent must actually be offering the goods or services at issue;
- (b) the respondent must use the site to sell only the trade marked goods or services;
- (c) the site must accurately and prominently disclose the registrant's relationship with the trade mark holder; and
- (d) the respondent must not try to "corner the market" in a domain name that reflects the trade mark.





The complainant categorically in paragraph 42 of the complaint responds to every Oki data criteria put forth above by it and argues that the respondent fails to fulfil the first, second and third criteria.

The complainant further states that the use of the Domain Name as described above violates the Meta Developer Policies by going beyond the limits placed on the functionality of the Facebook platform, and facilitates breach of the Facebook Terms of Service.

The complainant draws attention of this tribunal on the following:

### "3. Encourage proper use

Respect the way Facebook, Instagram, or any of our products looks and functions, and the limits we've placed on product functionality. [...]"

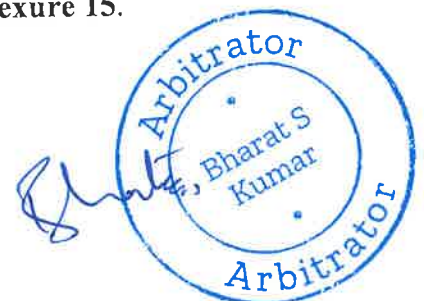
The complainant has also filed and relies upon as **Annexure 14**, a copy of the Meta Developer Policies, available at <https://developers.facebook.com/devpolicy/>.

The complainant further states that in addition, the Facebook Terms of Service provide as follows:

"You may not access or collect data from our Products using automated means (without our prior permission) or attempt to access data you do not have permission to access. We also reserve all of our rights against text and data mining."

The complainant has also filed a copy of the Facebook Terms of Service, available at

[https://facebook.com/legal/terms?paipv=0&eav=AfYqBQc\\_Tgbi8\\_Wcfv10AQSCtJYk5baiqSnXVsK9T-jpiJ-CFqtVGay6XpyOzZtyMBE&\\_rdr](https://facebook.com/legal/terms?paipv=0&eav=AfYqBQc_Tgbi8_Wcfv10AQSCtJYk5baiqSnXVsK9T-jpiJ-CFqtVGay6XpyOzZtyMBE&_rdr) as **Annexure 15**.




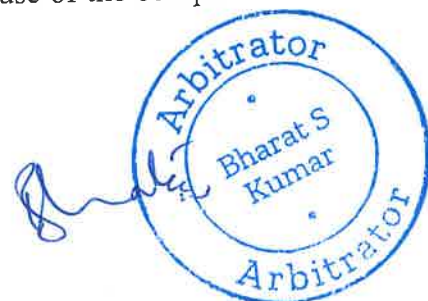
The complainant states that not only do tools for the unauthorized downloading of content from Facebook violate the Meta Developer Policies and facilitate breach of the Facebook Terms of Service, but they also place the security of Facebook users at risk, as content scraped from the Facebook platform may be stored and later used for unauthorized purposes by third parties. It states that prior UDRP Panels have found that such use of a domain name does not constitute use of the domain name in connection with a *bona fide* offering of goods or services. It places reliance on *Facebook, Inc. v. Domain Administrator, PrivacyGuardian.org / Hernando Sierra*, WIPO Case No. D2018-1145 and *Meta Platforms, Inc. v. Vladimir Shubert*, WIPO Case No. D2024-3370 (<videodownloaderforfb.com>).

As a result, the complainant submits that the respondent's use of the Domain Name does not amount to a *bona fide* offering of goods or services within the meaning of paragraph 6(a) of the Policy.

I agree with the assertions put forth by the complainant. I believe that the complainant has established its rights in the trade mark FB and the respondent has failed to fulfil its obligations before this tribunal of the prerequisites of paragraph 6 of the IN policy.

It is significant to note that the complainant's assertions at paragraph 21 of the complaint, pertaining to respondent's website featuring an

altered version of the complainant's logo, it being , in addition to the domain name is definitely likely to give a false impression to internet users that the disputed website is either owned by the complainant or is affiliated to the complainant in some manner. The respondent cannot conceivably claim that its use of the complainant

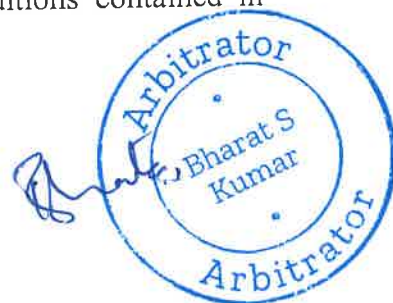


trademark is *bona fide* as per paragraph 6(a) of the .IN Policy or is commonly known by the domain name in accordance with paragraph 6(b) of the .IN Policy or is a legitimate or non-commercial fair use in sync with paragraph 6(c) of the .IN Policy.

The mere fact that the disputed domain name is registered does not imply that the respondent has any rights or legitimate interests in them. In *Deutsche Telekom AG v. Phonotie Ltd.* (WIPO Case No. D2005-1 000), it has been held that "*Registration of a domain name in itself does not establish rights or legitimate interests for purposes of paragraph 4(a)(ii) of the Policy*". Therefore, any use of the disputed domain name by the respondent is not a legitimate, non-commercial or fair use. The respondent thus has no rights or legitimate interests in, the disputed domain name.

Pertinently, there is no quarrel in mentioning that 'FB' is known, across India and the world over. The adoption of word/mark "FB", therefore in the disputed domain name affirms the mala fide intention of the respondent to make use of and ride on the coat tails of the complainant for earning commercial benefits. Such a conduct demonstrates anything, but a legitimate interest in the domain name. In the *Sports Authority Michigan, Inc. v. Internet Hosting*, NAF Case No. 124516, it was held '*It is neither a bona fide offerings of goods or services, nor an example of a legitimate non-commercial or fair use under Policy 4(c)(i) and (iii), when the holder of a domain name that is confusingly similar to an established mark uses the domain name to earn a profit without approval of the holder of the mark*'.

It is reiterated that the respondent (registrant) has not filed any response to counter the complainant's assertions, despite service. The respondent has thus failed to satisfy the conditions contained in



clauses 6(a), (b) and (c) of INDRP Policy. Significantly, the respondent has never been identified with the disputed domain name or any variation thereof. The respondent's (Registrant) use of the disputed domain name will inevitably create a false association and/or affiliation with complainant and its extensively known trademark/label mark, **FB**.

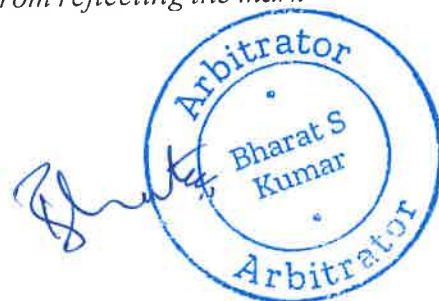
Therefore, in view of the submissions made in the complaint and on perusal of the accompanying documents, I am of the opinion that the respondent has no rights or legitimate interests in respect of the disputed domain name. Accordingly, condition 4(b) of the INDRP policy is decided in the favour of the complainant.

- iii. Condition 4(c): The Registrant's domain name has been registered or is being used in bad faith:

To look into condition 4 (c) of the INDRP policy, clause 7 is to be looked into. Clause 7 of the INDRP policy states as under:

*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*

*(d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor.*

It is pertinent to reiterate that the complainant is vested with statutory rights in its FB trademark and has been using the same from the year 2004. The respondent's registration of a disputed domain name wholly incorporating the complainant's trademark is most certainly to ride on the coat tails of the complainant's commercial success which its FB and FACEBOOK trademark(s) have attained over the past 20 years. It is also noteworthy that the actions of the respondent seem to fall squarely within subclause (c) hereinabove. A testament to the same are the cases mentioned by the complainant in paragraph 64 of its complaint wherein the very same respondent has engaged in surreptitiously registering and using the complainant's celebrated trademarks, or parts of it thereof. A perusal of the decisions, more particularly *Meta Platforms, Inc. v. Malika BZDRR* (<facebookvideodownloader.cc>), *WhatsApp, LLC. v. Malika BZDRR, supra*, *Instagram, LLC v. Malika BZDRR, supra* (<saveinstaa.com>) and *Instagram, LLC v. Malika BZDRR, supra* (<downloadvideoinstagram.net>) among many others makes it evident that the respondent seems to be acting like a cyber squatter.





Given the enormous success of the complainant's business model, its celebrated trademark FB, being known all across the world, there seems to be no reason for the respondent to adopt an identical name/mark with respect to the impugned domain name. This adoption by the respondent, of course seems to create a deliberate and false impression in the minds of users that the respondent is somehow associated with or endorsed by the complainant. A case by a previous panel, *Mls Merck KGaA v Zeng Wei JNDRP/323*, can be referred wherein it was stated that:

*"The choice of the domain name does not appear to be a mere coincidence, hut a deliberate use of a well-recognized mark... such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration."*

It is noteworthy that Rule 3 of .IN Domain Name Dispute Resolution Policy (INDRP), casts obligations on a registrant, such as the respondent here. The same provides as under:

### 3. 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***



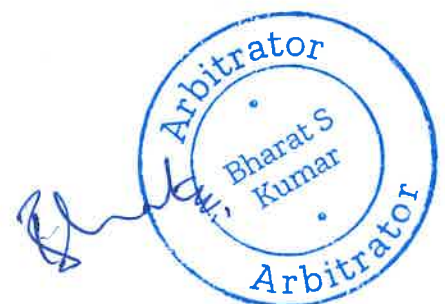
*sole responsibility' of the Registrant to determine whether their domain name registration infringes or violates someone else's rights.*

It is evident from above rule that rule 3(b) and (d) puts an obligation on the Registrant, the respondent herein, before registering a domain name. The registrant is to verify that the registration of the domain name will not infringe upon or otherwise violate the rights of any third party. Considering the conduct of the respondent in numerous cases above, it is reiterated that the respondent seems to be a cyber squatter, willingly violating the rights of other parties.

From a perusal of the averments and documents filed herewith, there is therefore no doubt that the respondent has got the disputed domain name registered in bad faith and to ride on the complainant's FB trademark's goodwill and reputation. The actions of the respondent are thus in contravention with paragraph 4(c) of the INDRP policy. I therefore hold that the respondent's domain name has been registered in bad faith.

### Decision

In view of the foregoing, I hold that the disputed domain name, **<fbdownloader.net.in>** is confusingly similar to the complainant's 'FB' trademark. I further hold that the respondent has no rights or legitimate interests in respect of the disputed domain name and that the same was registered in bad faith by the respondent.



In accordance with the INDRP Policy and Rules, I direct that the disputed domain name registration be transferred to the complainant.  
No order as to costs.

Date: 04.06.2025

Place: New Delhi


Bharat S. Kumar  
Sole Arbitrator