

मध्य प्रदेश MADHYA PRADESH

CG 029082

BEFORE THE ARBITRATOR RAJESH BISARIA
UNDER THE
.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)
[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

ARBITRAL AWARD

Date-07.06.2025

Disputed Domain Name: facebookvideodownloader.net.in
INDRP Case no -1973

THE PARTIES

(1) The Complainant is Meta Platforms, Inc. (formerly Facebook, Inc.), 1 Meta Way Menlo Park, California, 94025-1444, United States of America (United States)
The Respondent is Malika BZDRR, Malikabzdr, Multan, Punjab Pakistan 66000.
Telephone: 376.335693



THE DOMAIN NAME AND REGISTRAR**(2)**(a) This dispute concerns the domain name **facebookvideodownloader.net.in**

(b) The Registrar with whom the disputed domain name is registered is indicated as:

Dynadot, LLC with address: 210 S Ellsworth Ave #345 San Mateo, California
94401 United States of America and the E mail ID: info@dynadot.com

This was registered on 28.12.2023

PROCEDURAL HISTORY**(3)**

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| The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure | 09.04.2025 |
| Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI. | 10.04.2025 |
| Due date of submission of Statement of Claim by Complainant (instructed by mail dated 10.04.2025 and mail dated 05.05.2025) | 20.04.2025 12.05.2025 |
| Complainant's response by submitting their Statement of Claim to AT- Initially on 15.04.2025 and thereafter Amended Soft copy Hard copy | 08.05.2025 Not submitted |
| Complainant's response by submitting their Statement of Claim along with all annexures to Respondent- Soft copy - Complainant sent the copy of complaint along with all annexures to Respondent vide their mail dated 08.05.2025 intimated that- <i>'We also resent the same documents by email, evidence attached. Despite enabling the function for tracked delivery, we did not receive the proof of delivery (it is possible that the Respondent's email address may not be valid)'</i> | 08.05.2025 |



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| <p>Hard copy – Complainant vide their mail dated 08.05.2025 intimated that <i>'Please find attached the proof of despatch of the Complaint and of the Annexes to the Respondent by registered post. We will track these documents and let you know if we receive proof of delivery (this may not be possible, given the incomplete address, in which case the documents will eventually be returned to us).'</i></p> <p>AT observed that the documents were booked through LA POSTE, with document no. RK 73 784 770 3 FR on 07.05.2025.</p> | |
| <p>Due date of submission of Statement of Defense by Respondent as instructed by AT mail dated 10.04.2025 and as instructed by AT mail dated 05.05.2025</p> | <p>01.05.2025 19.05.2025</p> |
| <p>Respondent's response by submitting their Statement of Defense against the due date of submission as 01.05.2025 and thereafter 19.05.2025</p> | <p>Not submitted</p> |
| <p>Complainant's response by submitting their Rejoinder</p> | <p>Not required</p> |
| <p>As per AT's mail dated 10.04.2025 respondent was directed to file the SOD by 01.05.2025, and thereafter vide AT's mail dated 05.05.2025 intimated that – <i>'Respondent was directed to file the Soft copy (PDF & Editable) and the Hard copy of 'Reply of the said complaint (Statement of Defense)' along with complete set of annexure' on or before 01.05.2025. But Respondent failed to submit the said documents within said time limit ie 01.05.2025 and even by today ie 04.05.2025. Respondent has also not filed any application for the grant of extension of time for this submission. Respondent is given one more opportunity to submit the soft copy (PDF & Editable) and the hard copy of 'Reply of the said complaint (Statement of Defense) along with complete set of annexure' on or before 19.05.2025. In case the Respondent fails to file the said documents within above stipulated time, their right to submit the same shall stand forfeited and no further</i></p> | <p>05.05.2025</p> |



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| <p><i>opportunity shall be granted in this regard and the Award will be published on merit.</i></p> <p>The Respondent failed to follow the above instructions of AT mentioned in the mail dated 05.05.2025. Therefore, their right to submit the same stands forfeited and the Award is being published on merit</p> | |
| The language of the proceedings | English |

FACTUAL BACKGROUND

(4) The Complainant:

The Complainant is Meta Platforms, Inc. (formerly Facebook, Inc.), 1 Meta Way Menlo Park, California, 94025-1444, United States of America (United States) with Telephone: +33 1 53 67 47 47 and Email: domaindisputes@hoganlovells.com

The Complainant's authorized representative in this administrative proceeding is:

David Taylor / Jane Seager Address: Hogan Lovells (Paris) LLP 17, avenue Matignon 75008 Paris with Telephone: Telephone: +33 1 53 67 47 47 and Email: domaindisputes@hoganlovells.com

The Complainant's preferred method of communication directed to the Complainant in this administrative proceeding is:

Electronic: – Email- jane.seager@hoganlovells.com and contact person : Jane Seager

Material including hardcopy: NOT PROVIDED

(5) The Respondent:

The Respondent is Malika BZDRR Multan, Punjab 66000 Pakistan Telephone 376.335693 Email: malikabzdr@gmail.com help@fbdown.net.in



(6) Complainant's Activities:

- (a) The Complainant, Meta Platforms, Inc., (Meta) is a United States social technology company, and operates, inter alia, Facebook, Instagram, Meta Quest (formerly Oculus) and WhatsApp. The Complainant, formerly known as Facebook Inc., announced its change of name to Meta Platforms Inc on 28 October 2021, and this was publicised worldwide.
- (b) 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 are provided as Annex 4.
- (c) Screen captures of the Complainant's webpage <https://about.meta.com> are provided as Annex 5.
- (d) Founded in 2004, the Complainant's Facebook platform (Facebook), commonly referred to as "FB", is a leading provider of online social-media and social-networking services. Facebook's mission is to give people the power to build community and bring the world closer together. 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.
- (e) A screen capture of Facebook's homepage at www.facebook.com is provided as Annex 6.
- (f) Since its launch in 2004, Facebook rapidly developed considerable renown and goodwill worldwide. Today, Facebook has over 3 billion monthly active users and 2.11 billion daily active users on average worldwide (as of December 2023). 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.
- (g) 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, are provided as Annex 7.



- (h) Screen captures of online dictionaries evidencing that the term "FB" commonly refers to the Complainant's Facebook platform are provided as Annex 8.
- (i) The Complainant is the registrant of numerous domain names consisting of or including the FACEBOOK trademark under a wide range of generic Top-Level Domains (gTLDs) as well as under numerous country-code Top Level Domains (ccTLDs).
- (j) Copies of the WhoIs records for selected domain names comprising the Complainant's FACEBOOK trademark are provided as Annex 9.
- (k) The Complainant has also made substantial investments to develop a strong presence online by being active on various social-media platforms.
- (l) Screen captures of the Complainant's social-media pages are attached at Annex 10.


(7) Complainant's Trade Marks and Domain Names:


- (a) The Complainant has secured ownership of numerous trademark registrations in the terms FACEBOOK and FB in many jurisdictions throughout the world, including but not limited to the following:
 - a. Pakistani Trademark Registration No. 248352, FACEBOOK, registered on 31 March 2008;
 - b. Indian Trademark No. 1622925, FACEBOOK, registered on 9 November 2011;
 - c. United States Trademark Registration No. 3122052, FACEBOOK, registered on 25 July 2006 (first use in commerce in 2004);
 - d. European Union Trademark No. 005722392, FACEBOOK, registered on 29 April 2008;
 - e. International Registration No. 1075094, , registered on 16 July 2010;
 - f. Indian Trademark Registration No. 4337405, FB, registered on 4 November 2019;
 - g. European Union Trademark No. 008981383, FB, registered on 23 August 2011; and




h. United States Trademark Registration No. 4659777, FB, registered on 23 December 2014.

(b) The Complainant has also secured ownership of the following figurative trademarks:

a. Indian Trademark Registration No. 1969520,  , registered on 21 May 2010;

b. United States Trademark Registration No. 4978379,  , registered on 14 June 2016; and

c. European Union Trademark No. 009776601,  , registered on 22 November 2011.

(c) Copies of these trademark registrations are attached at Annex 11.



(d) The Domain Name comprises the Complainant's FACEBOOK trademark with addition of the terms "video" and "downloader", under the ccTLD ".net.in".

(e) 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).

(f) 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. [...] With this user-friendly tool, downloading any Facebook video is a breeze."

(g) The Respondent's website makes prominent reference to the Complainant's FACEBOOK and FB trademarks, and uses variations of the Complainant's figurative trademarks, including in the favicon, as follows:

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

- (h) Moreover, the Respondent's website features a blue and white colour scheme that is very similar to the colour scheme used on the Complainant's Facebook platform.
- (i) Further, 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."
- (j) In addition, Respondent's website 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."
- (k) Screen captures of the website to which the Domain Name resolves as well as evidence of redirection are provided as Annex 12.
- (l) The Respondent was named as the respondent in the following cases, in which 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:
- a. Meta Platforms, Inc. v. Malika BZDRR, WIPO Case No. D2024-5326 (<facebookvideodownloader.cc> et al.) ;
 - b. WhatsApp, LLC. v. Malika BZDRR, WIPO Case No. D2023 4808 (<downloadgbwhatsapp.co> et al.) ;
 - c. Instagram, LLC v. Malika BZDRR, WIPO Case No. D2024 3568 (<saveinstaa.com>); and
 - d. Instagram, LLC v. Malika BZDRR, WIPO Case No. D2024 2887 (<downloadvideoinstagram.net>).
- (m) In addition, the Respondent is the registrant of at least six domain names (the Domain Name and the domain names <facebookvideodownloader.ind.in>, <fbdown.net.in>, <fbdownloader.net.in>, <fbvideodownloader.net.in> and <fbvideodownloader.ind.in>) which target the Complainant's rights.
- (n) See Annex 17 for the underlying registrant details disclosed by NIXI further to the Complainant's filing of INDRP Complaints regarding the Domain

Name and the domain names <facebookvideodownloader.ind.in>, <fbdown.net.in>, <fbdownloader.net.in>, <fbvideodownloader.net.in> and <fbvideodownloader.ind.in>.

(8) Respondent's Identity and activities:

Respondent failed to submit their Statement of Defense, so his identity and activities are not clear.

(9) Response by Respondent:

No Response.

(10) Rejoinder by Complainant:

Since the Respondent failed to submit their reply to the Complaint of Complainant, so Rejoinder was not required to be submitted by Complainant.

(11) Submissions of Documents by Complainant:

Complainant submitted Domain name complaint with pages 1 to 15 (words 5145) and annexure from 1 to 17 with pages 100.

As per the INDRP Rules of Procedure, Clause 4(a) – *The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator's discretion.*

The Complainant submitted pleadings of 5145 words which is marginally above the prescribed limit and in the interest of justice it is acceptable to AT. The annexures of 100 pages is as per the above norms of the INDRP Rules.

THE CONTENTIONS OF COMPLAINANT

(12) The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights:

Submission by Complainant

- (a) The Complainant submits that it has established rights in the trademark FACEBOOK for purposes of paragraph 4(a) of the .IN Policy (Annex 11).

- (b) The Domain Name incorporates the Complainant's FACEBOOK trademark followed by the terms "video" and "downloader", under the domain extension ".net.in".
- (c) The Complainant submits that the addition of the terms "video" and "downloader" does not prevent a finding of confusing similarity with the Complainant's FACEBOOK trademark, which remains clearly recognizable in the Domain Name. See WIPO Overview 3.0, section 1.8.
- (d) See *Guess? IP Holder L.P. and Guess?, Inc. v. Powell Amber*, INDRP/1819 (<guessindiaonline.in>):
"Merely adding of a generic term to a trademark in a domain name does not mitigate the confusing similarity between the mark and the domain name."
- (e) See also *Meta Platforms, Inc., Instagram, LLC v. Sonia Webster, tan alisa*, recent WIPO Case No. D2024-0691 (<facebookvideodownloader.org> et al.):
"Although the addition of other terms ("video" and "downloader") 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 names and the marks for the purposes of the Policy."
- (f) 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. See in this regard *Canva Pty Ltd v. Jun Yin*, INDRP/1831, (<canva.com.in>).
- (g) Therefore, the Domain Name is confusingly similar to the Complainant's trademark in accordance with paragraph 4(i) of the .IN Policy.

(13) The Respondent has no rights or legitimate interests in respect of the domain name:

Submission by Complainant

- (a) Prior panels have found under the .IN Policy that "where a complainant makes out a prima facie case that a 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element." See *Instagram LLC v. Ding RiGuo*, INDRP/1183 (<instagram.in>), a copy of which is provided as Annex 13.

- (b) 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.

No bona fide offering of goods or services

- (c) The Complainant has not authorised, licensed or otherwise allowed the Respondent to make any use of its FACEBOOK trademark, in a domain name or otherwise. Prior panels have held 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. See *Wacom Co. Ltd. v. Liheng*, INDRP/634 (<wacom.in>).
- (d) As detailed above, the Respondent's website purports to provide tools to download content from social media platforms including Facebook.
- (e) Prior panels have recognized 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 *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 trademarked goods or services;
 - c. the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
 - d. the respondent must not try to "corner the market" in a domain name that reflects the trademark.



- (f) See also WIPO Overview 3.0, section 2.8.
- (g) The Complainant submits that the Respondent cannot be viewed as a bona fide service provider as it does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is making unauthorized use of the Complainant's trademark to market its own ancillary services as detailed above. Nevertheless, even if one is to apply the Oki Data criteria, the Respondent fails to fulfil the first, second and third criteria, namely that:
- a. The Respondent is not a bona fide service provider in that it is not providing services for the proper use of the Complainant's product. Rather, the Respondent's website purports to provide unauthorized Facebook downloader tools, in breach of the Meta Developer Policies and which facilitate breach of the Facebook Terms of Service as detailed below. The use of such tools to download content from the Complainant's Facebook platform may put the security of Facebook users at risk.
 - b. Given that the Respondent's website purports to provide tools for the downloading of content from third-party platforms, the Respondent cannot be said to be using the Domain Name solely in connection with goods and services offered under the FACEBOOK trademark contained in the Domain Name.
 - c. The Respondent's website does not accurately and prominently disclose its lack of relationship with the Complainant. In fact, by featuring the copyright notice "Copyright © 2024 FBDown.Net. In All Rights Reserved." and by using a blue and white colour scheme very similar to that of the Complainant's Facebook platform as detailed above, the Respondent's website suggests that the Respondent is affiliated with the Complainant, which is not the case.
- (h) See also Meta Platforms, Inc. v. Saida Yakubova, WIPO Case No. D2023-1029 (<myfbdownloader.com>).
- (i) Further, the Respondent's 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.

- (j) The Meta Developer Policies, available at <https://developers.facebook.com/devpolicy/> (Annex 14), provide as follows:

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

- (k) In addition, the Facebook Terms of Service, available at https://facebook.com/legal/terms?paipv=0&eav=AfYqBQc_Tgbi8_Wcfv1OAQSCtJYk5baiqS_nXVsK9T-jpiJ-CFqtVGay6XpyOzZtyMBE&rdr (Annex 15) 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."

- (l) 39. The tools for the unauthorized downloading of content from Facebook 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. 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. See Facebook, Inc. v. Domain Administrator, PrivacyGuardian.org / Hernando Sierra, WIPO Case No. D2018-1145 (<dlfacebook.com> et al.):

"Moreover, the Respondent's registration and use of some of the Disputed Domain Names to resolve to websites that allow the download of videos uploaded to the Complainant's website with tutorials on how to use them is another indication that the Respondent lacks rights or legitimate interests in the Disputed Domain Names."

- (m) 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.

Not commonly known by the Domain Name

- (n) The Respondent cannot conceivably claim that it is commonly known by the Domain Name in accordance with paragraph 6(b) of the .IN Policy.

- (o) The identity of the underlying registrant has been disclosed as "Malika BZDRR", which does not bear any resemblance to the Domain Name whatsoever.
- (p) In addition, to the best of the Complainant's knowledge, there is no evidence of the Respondent having acquired or applied for any trademark registrations for "facebookvideodownloader" or any variation thereof, as reflected in the Domain Name.
- (q) The Respondent's use of the Domain Name as detailed above does not support any reasonable claim of being commonly known by the Domain Name, nor does it give rise to any reputation in the Domain Name itself, independent of the Complainant's trademark rights.

No legitimate non-commercial or fair use

- (r) Neither can the Respondent assert that it has made a legitimate non-commercial or fair use of the Domain Name without intent for commercial gain pursuant to paragraph 6(c) of the .IN Policy.
- (s) As detailed above, the Domain Name comprises the Complainant's FACEBOOK trademark, followed by the terms "video" and "downloader", which may be read as referring to the downloading of content shared on the Complainant's Facebook platform. The Complainant submits that the nature of the Domain Name itself is such that it carries a risk of implied affiliation with the Complainant, and therefore cannot give rise to a claim of legitimate non-commercial or fair use. See WIPO Overview 3.0, section 2.5.1.
- (t) Moreover, as detailed above, the Domain Name resolves to a website that purports to offer tools that enable Internet users to download content from Facebook and which features a modified version of the Complainant's logo, including as the favicon, as well as a blue and white colour scheme that is very similar to the blue and white colour scheme of the Complainant's Facebook platform. Prior UDRP panels have held that the use of domain names to offer tools to download content from the Complainant's platforms does not constitute legitimate or fair use of a domain name; see Instagram, LLC v. Domains By Proxy, LLC / Ahmed Hemaïd, WIPO Case No. D2021-1439 (<instagram-downloader.net>:



"Furthermore, the use of the disputed domain name in connection to a website that offers a tool for downloading videos and photos from Instagram shows that the Respondent targets the Complainant. The use on this website of a favicon that is similar to the Complainant's icon further supports the apparent lack of rights or legitimate interests of the Respondent in the disputed domain name. Indeed, impersonating the Complainant or make it appear that there is a link with it can hardly be a legitimate or fair use."

(14) The domain name was registered and is being used in bad faith:

Submission by Complainant

- (a) The Complainant asserts that the Domain Name was registered and is being used in bad faith although the .IN Policy only requires that a complainant demonstrate that the disputed domain name was either registered or being used in bad faith.
- (b) Paragraph 7 of the .IN Policy lists three circumstances which, in particular but without limitation, may be evidence of registration and use of a domain name in bad faith for the purposes of paragraph 4(c) of the .IN Policy.
- (c) It is submitted that paragraph 7(c) is of particular relevance in the present case, although there are other factors not listed in paragraph 7 of the .IN Policy that strongly indicate the Respondent's bad faith.

Registration in bad faith

- (d) Given the Complainant's renown and goodwill worldwide (including in India) and its distinctive trademark rights established long before the registration of the Domain Name, it would be inconceivable for the Respondent to argue that it did not have knowledge of the Complainant's FACEBOOK trademark when it registered the Domain Name in 2023. See Meta Platforms Inc. v. Mika Khan, INDRP/1642 (<facebook.co.in>):

"Complainant had clearly acquired common law rights in the term FACEBOOK since February 2004 much before the registration date of the disputed Domain Name. [...] It has been established by evidence adduced on record by the Complainant that it has acquired valuable

rights in the mark "FACEBOOK" not only by prior use but also by having registered trademark's for "FACEBOOK" in numerous jurisdictions globally."

(e) Furthermore, all search results obtained by typing this term in the Google search engine at www.google.com and www.google.co.in refer to the Complainant (Annex 16).

(f) The Complainant therefore submits that the Respondent registered the Domain Name in full knowledge of the Complainant's rights. Prior panels have held that actual knowledge of a well-known trademark at the time of registration of a domain name constitutes strong evidence of bad faith. See QRG Enterprises Limited & Havells India Limited v. Zhang Mi, INDRP/852 (<qrg.co.in>).

(g) Moreover, as detailed above, the Respondent was named as the respondent in at least four cases in which the Panel ordered the transfer of the relevant FB/FACEBOOK-formative, INSTA/INSTAGRAM-formative and WHATSAPP-formative domain names to the Complainant and to its related companies WhatsApp LLC and Instagram LLC. In addition, the Respondent is currently the registrant of at least six domain names (the Domain Name and the domain names <facebookvideodownloader.net.in>, <fbdown.net.in>, <fbdownloader.net.in>, <fbvideodownloader.ind.in> and <fbvideodownloader.ind.in>) which target the Complainant's rights. The Complainant therefore submits 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.

(h) See Fieldfisher LLP v. Ruben M, WIPO Case No. D2023-1263 (<fieldfisherlawsgroup.com>):

"The Respondent has been the subject of an adverse ruling under the UDRP in a previous case [...] involving the Complainant for the almost identical domain name <fieldfisherlawgroup.com> showing a pattern of bad faith activity acting against the Complainant's interests."



- (i) The full registrant information disclosed by the Registrar appears to be false or incomplete, as the street address, "Malikabzdr Multan Multan, Punjab 66000 Pakistan" features no street name or number. As a result, the Complainant submits that the Respondent's registration of the Domain Name using what appears to be false or incomplete underlying registrant information, amounts to further evidence of bad faith; see WIPO Overview 3.0, section 3.6.
- (j) The Complainant therefore submits that the Respondent registered the Domain Name in bad faith in accordance with paragraph 4(c) of the Policy.

Use in bad faith

- (k) As detailed above, the Respondent is using the Domain Name to purport to offer tools that enable Internet users to download content from Facebook. The Complainant submits that through the Respondent's use of the Domain Name, it has intentionally attempted to attract Internet users to online locations by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website, in accordance with paragraph 7(c) of the .IN Policy.
- (l) Prior panels have held that the unauthorized downloading of content from the platform of the Complainant may place the privacy and security of users of such platforms at risk and amounts to bad faith. See in this regard *Meta Platforms, Inc. v. Muhammad Shahbaz*, WIPO Case No. D2024 0288 (<facebookvideodownloader.live>):
"The tools provided on the Respondent's website, [...] may place the privacy and security of Facebook and Instagram users at risk as the downloaded content can be stored and later used for unauthorized purposes by third parties. As noted by the Complainant, prior UDRP panels have already held that the unauthorized automated downloading of content from social networks amounts to bad faith."
- (m) Moreover, in light of the nature of the Domain Name, which comprises the Complainant's FACEBOOK trademark together with the terms "video" and "downloader", the use of a blue and white

colour scheme that is very similar to the blue and white colour scheme of the Complainant's Facebook platform and the use of a variation of the Complainant's logo, including as the favicon (see Annex 12), the Complainant submits that the Respondent is seeking to target the Complainant's trademark to create an impression of association with the Complainant, to divert traffic to the Domain Name and to offer an unauthorized, illegitimate tool to Internet users and disrupt the Complainant's business. See in this regard Meta Platforms, Inc., Instagram, LLC v. Registration Private, Domains By Proxy, LLC / Saint Nicholas, and Host Master, 1337 Services LLC, WIPO Case No. D2022 2184 (<instadownloader.org> et al.).

- (n) The lack of a disclaimer on the Respondent's website to clarify the Respondent's relationship (or lack thereof) with the Complainant adds to the confusion caused by the Domain Name and constitutes additional evidence of the Respondent's bad faith conduct; see WIPO Overview 3.0, section 3.7. Moreover, the Complainant submits that even if such a disclaimer was featured on the Respondent's website, it would not have been sufficient to cure the Respondent's illegitimate use of the Domain Name; see in this regard Instagram, LLC v. Protection of Private Person / Yurii Shemetilo / Olha Shostak, WIPO Case No. D2022 2832 (<insta-stories.online> et al.):

"While a clear and sufficiently prominent disclaimer could lend support to circumstances suggesting the Respondents' good faith, where the overall circumstances of a case point to the Respondents' bad faith, the mere existence of a disclaimer cannot cure such bad faith. Rather, panels have held that in such cases a respondent's use of a disclaimer could be considered as an admission by the respondent that users may be confused."

- (o) In view of the above, the Complainant asserts that the Domain Name was registered and is being used in bad faith in accordance with Paragraph 4(c) of the .IN Policy.



OTHER LEGAL PROCEEDINGS:**(15) Submission of Complainant**

The Complainant is not aware of any other legal proceedings that have been commenced in respect of the Domain Name.

REMEDY SOUGHT:**(16) Submission of Complainant**

(a) In accordance with Paragraph 10 of the .IN Policy, Paragraph 3(b)(vii) of the .IN Rules, for the reasons described in Section IV above, the Complainant requests that the Arbitrator appointed in this administrative proceeding transfer the Domain Name to the Complainant.

(b) The Complainant further requests that the appointed Arbitrator award the Complainant costs as deemed fit by the Arbitrator.

DISCUSSION AND FINDINGS:

(17) After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure and Respondent has been notified of the complaint of the Complainant.

(18) Respondent was given enough opportunity to submit Reply of Complaint (Statement of Defense) latest by 01.05.2025 and thereafter latest by 19.05.2025. But Respondent failed to submit the same within said time limit; therefore, the Respondent right to submit the SOD was forfeited and the award is being published on merits.

(19) Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant has filed a complaint to .IN Registry on the following premises:

(a) the Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights; and



(b) the Registrant's has no rights or legitimate interest 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.

(20) The Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights:

Facts & Findings

On the basis of the referred Award of WIPO case, above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(21) The Registrant's has no rights or legitimate interest in respect of the domain name:

Facts & Findings

On the basis of the referred Award of WIPO case, above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(22) The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose:

Facts & Findings

On the basis of the referred Award of WIPO case, above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.



(23) ARBITRAL AWARD

I, **Rajesh Bisaria**, Arbitrator, after examining and considering the pleadings and documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 5, 17 and 18 of the INDRP Rules of Procedure and Clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP), as follows:

Arbitral Tribunal orders that the disputed domain name

“facebookvideodownloader.net.in”

be forthwith TRANSFERRED from Respondent to Complainant.

Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs. 10000/- (Rs. Ten thousand only) is being imposed on the Respondent, as per the provision in clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to .IN Registry for putting the administration unnecessary work.

AT has made and signed this Award at Bhopal (India) on 07.06.2025 (Seventh Day of June, Two Thousand Twenty-Five).

Place: Bhopal (India)

Date: 07.06.2025



(RAJESH BISARIA)

Arbitrator