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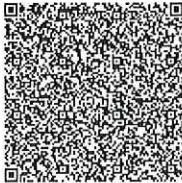
₹100

e-Stamp

Reprinted e-Stamp Certificate

Certificate No. : IN-DL91717455785920X
 Certificate Issued Date : 28-May-2025 03:05 PM
 Account Reference : SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH
 Unique Doc. Reference : SUBIN-DL DL-SELF21671802567526X
 Purchased by : S S RANA AND CO
 Description of Document : Article 12 Award
 Property Description : AWARD
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : LUCY RANA
 Second Party : LUCY RANA
 Stamp Duty Paid By : LUCY RANA
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)

₹100



SELF PRINTED CERTIFICATE TO BE
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IN-DL91717455785920X

BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION
 POLICY

(Appointed by the National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name: <fbvideodownloader.ind.in>

IN THE MATTER OF

Meta Platforms, Inc.
 1 Meta Way Menlo Park,
 California, 94025-1444
 United States of America

..... Complainant

-----versus-----

Malika BZDRR
 Malikabzdrd Multan,
 Multan, Punjab 66000
 Pakistan

Email: malikabzdrd@gmail.com

..... Respondent

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.
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1. The Parties

The **Complainant** in this arbitration 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.

The **Respondent** in this arbitration proceeding is **Malika BZDRR**, of the address: Malikabzdr Multan, Punjab 66000, Pakistan as per the WHOIS records.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**FBVIDEODOWNLOADER.IND.IN**> with the .IN Registry. The Registrant in the present matter, while not clearly outlined in the WHOIS records, appears to be **Malika BZDRR**. Further, the Registrar of the disputed domain is **Dynadott LLC**.

3. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
March 26, 2025	NIXI sought the consent of Ms. Lucy Rana to act as the Sole Arbitrator in the matter. The Arbitrator informed of her availability and gave her consent vide email on the same date, along with the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
April 07, 2025	NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.
April 08, 2025	The Arbitrator directed Counsel for the Complainant to provide the following: A. A duly notarised Power of Attorney; AND B. Revised annexures within the page limit prescribed under Rule 4 of the INDRP Rules of Procedure.
April 11, 2025	Complainant's Counsel provided the revised annexures and expressed reservations regarding furnishing a duly notarised Power of Attorney and requested the Arbitrator to proceed on the basis of the originally provided Power of Attorney.


April 14, 2025	The Arbitrator informed the Complainant's Counsel that the requirement to furnish the duly notarized Power of Attorney has been recently put forth by NIXI, as also indicated in NIXI's email dated April 07, 2025 (wherein they have clearly stipulated that " <i>In case complainant has failed to submit a notarized Power of Attorney or annexures at this stage, they can submit the same directly to the Ld. Arbitrator marking all others in cc.</i> ") and further directed the Complainant's Counsel to submit a duly notarized Power of Attorney within seven (07) days.
April 15, 2025	Complainant's Counsel once again expressed reservations regarding furnishing a duly notarised Power of Attorney and informed the Arbitrator that they have sought clarification from NIXI via email and that as per NIXI, the Arbitrator has the ultimate discretion and further that a notarized POA is generally preferred.
April 16, 2025	The Arbitrator directed the Complainant's Counsel to submit a duly notarized Power of Attorney within seven (07) days.
April 22, 2025	Complainant's Counsel provided a duly notarized Power of Attorney The Arbitrator vide email directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon the Respondent by email as well as physical mode (in case the Complainant had already not done so) and provide proof of service within seven (7) days. The Complainant's Counsel confirmed having served the documents upon the Respondent via Email on the same date. Further, the Complainant's Counsel expressed their reservation regarding the Respondent's postal address (i.e. that the address appears to be false or incomplete).
April 23, 2025	The Arbitrator directed the Complainant's Counsel to provide email delivery receipt(s) in respect of the service of documents effectuated upon the Respondent by email as well as to serve the domain complaint along with annexures as filed only upon the Respondent by physical mode and provide proof of service within seven (07) days.
April 28, 2025	Complainant's Counsel provided a courier receipt showcasing dispatch of the domain complaint and annexures upon the Respondent by post.
May 01, 2025	The Arbitrator directed the Complainant's Counsel to provide email delivery receipt(s) in respect of the service of documents effectuated upon the Respondent by email within five (05) days. The Complainant's Counsel provided the email delivery receipts on the same date.

May 02, 2025	Complainant's Counsel vide email, confirmed having served the documents upon the Respondent via Email. The Arbitrator accordingly commenced arbitration proceedings on the same date in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response, i.e. by May 16, 2025.
May 19, 2025	As no response was received from the Respondent within the stipulated time period, the Arbitrator granted a final extension of three (03) days to respond to the complaint.
May 26, 2025	As no response was received from the Respondent, the Arbitrator concluded proceedings and reserved the present award.

4. Factual Background – Complainant

Counsel for the Complainant, on behalf of the Complainant in the present matter, has, inter alia, submitted as follows:

- i. That the Complainant 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. That the Complainant claimed that their focus is to bring the metaverse to life and to help people connect, find communities and grow businesses and further, 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. In this regard, the Complainant has annexed excerpts from their official website (<https://about.meta.com>) as Annexure 5.
- ii. That the Complainant claimed that their Facebook platform (**Facebook**), founded in 2004, 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. . In this regard, the Complainant has annexed excerpts from their Facebook's homepage (www.facebook.com) as Annexure 6.
- iii. That the Complainant claimed that since the launch of **Facebook** in 2004, it has 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.

- iv. That the Complainant claimed that **Facebook** has over 3 billion monthly active users and 2.11 billion daily active users on average worldwide (as of December 2023) and it is currently ranked as the 16th app by downloads for iOS phones worldwide, according to applications information company Data.ai.
- v. That 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**). In this regard, the Complainant has annexed copies of WhoIs records for selected domain names comprising the Complainant's **FACEBOOK** trademark as Annexure 9.
- vi. That the Complainant claimed that they have developed a strong presence online by being active on various social media platforms, including Facebook (<https://www.facebook.com/facebook>), Instagram (<https://www.instagram.com/facebook/>) Twitter (<https://x.com/facebook>), LinkedIn (<https://www.linkedin.com/company/facebook/>). In this regard, the Complainant has annexed excerpts from their social media pages as Annexure 10.
- vii. That the Complainant has secured ownership of numerous trademark registrations in the marks **FB** and **FACEBOOK** in many jurisdictions throughout the world, including in India. Further, the Complainant has also secured ownership of figurative trademarks  in many jurisdictions throughout the world, including in India. In this regard, the Complainant has annexed copies of trademark registrations as Annexure 11.
- viii. That the Complainant claimed that their 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 devotes significant resources to protect its trademark rights and goodwill in forums such as this administrative proceeding.

5. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

A. The Respondent's domain name "fbvideodownloader.ind.in" is identical to a name, trademark/ trade name in which the Complainant has rights

- i. That the Complainant is the owner of the trademark **FB** in many jurisdictions throughout the world, including in India.



- ii. That the disputed domain incorporates the Complainant's trademark **FB** in its entirety and hence is confusingly similar to the Complainant's trademark.
- iii. That the disputed domain incorporates the Complainant's trademark **FB** with the terms "video" and "downloader", under the domain extension ".ind.in". The Complainant submits that the addition of the terms "video" and "downloader" in the disputed domain is not sufficient to distinguish the disputed domain name from the Complainant's trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain names associated.
- iv. That a mere 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 and in this regard, the Complainant has placed reliance on *Guess IP Holder L.P. and Guess, Inc. v. Powell Amber (INDRP/1819)*.
- v. That addition of terms "video" and "downloads" does not prevent a finding of confusing similarity between the disputed domain name and the mark and hence, the mark **FB** is reproduced and is recognizable within the said disputed domain name and in this regard, the Complainant has placed reliance on *Meta Platforms, Inc. v. Batyi Bela (WIPO Case No. D2024-2017)*.
- vi. That the Complainant contends that the addition of domain extension "IND.IN" may be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant's trademark. In this regard, the Complainant has placed reliance on *(Canva Pty Ltd v. Jun Yin, INDRP/1831)*.

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

- i. That the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4 (II) of the INDRP Policy. In this regard, the Complainant has placed reliance on *Instagram LLC v. Ding RiGuo (INDRP/1183)*.
- ii. That the Complainant has not authorised, licensed or otherwise allowed the Respondent to make any use of its **FB** 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. In this regard, the Complainant has placed reliance on *Wacom Co. Ltd. v. Liheng (INDRP/634)*.
- iii. That the Complainant claimed that the Respondent's website purports to provide tools to download content from social media platforms including Facebook, is breach of the Meta Developer Policies and which facilitate breach of the Facebook Terms of Service.

Further, the use of such tools to download content from the Complainant's Facebook platform may put the security of Facebook users at risk.

- iv. That the Complainant claimed that the Respondent cannot conceivably claim that it is commonly known by the disputed domain name.
- v. That the Complainant claimed that the Respondent have not acquired or applied for any trademark registrations for "fbvideodownloader" or any variation thereof, as reflected in the Domain Name.
- vi. That the Complainant submits that the Respondent's use of the disputed domain name, which is confusingly similar to the Complainant's **FB** trademark, is to attract Internet users to its website providing services for a fee (commercial gain) and the same cannot be deemed non-commercial.

C. The disputed domain name has been registered in bad faith

- i. That the Complainant's registered trademark **FB** (commonly used to refer to Facebook) was first registered with the European Intellectual Property Office in 2011 in connection with the Complainant's social network and has rapidly acquired considerable goodwill and renown worldwide.
- ii. That the Complainant has adopted, used, and registered the trademark **FB** long before the Respondent got the disputed domain name registered in its name. The subsequent use of identical registered trademark by the Respondent cannot be honest or fair and is undoubtedly laced with mala fide intention.
- iii. That the Complainant's trademark **FB** has been registered in 2011, garnering attention, goodwill and reputation in favour of the Complainant. Due to the prior registration as well as extensive prior use of the mark, it is clear that Respondent knew about the Complainant's business under the **FB** trademarks.
- iv. That the actual knowledge of a well-known trademark at the time of registration of a domain name constitutes strong evidence of bad faith. In this regard, the Complainant has placed reliance on *QRG Enterprises Limited & Havells India Limited v. Zhang Mi (INDRP/852)*.
- v. That the Respondent was named as the respondent in the cases *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>), 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. Further,

the Respondent is currently the registrant of at least six domain names (<facebookvideodownloader.ind.in>, <facebookvideodownloader.net.in>, <fbdown.net.in>, <fbdownloader.net.in> and <fbvideodownloader.net.in>) which target the Complainant's rights.

- vi. That the Complainant 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.
- vii. That the Complainant also submits that the Respondent used the disputed domain name to intentionally attract Internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website.

6. Reliefs claimed by the Complainant (Paragraphs 11 of the .IN Policy and 4(b)(vii) of the .IN Rules)

The Complainant has requested that the domain name <FBVIDEODOWNLOADER.IND.IN> be transferred to them.

7. Respondent's Contentions

As already mentioned in the procedural history of the matter, despite having been duly served with a copy of the Domain Complaint as filed, and thereafter granted adequate time to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to the Arbitrator during pendency of arbitral proceedings in the matter.

8. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, the Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
 - ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
 - iii. The Registrant's domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.
- i. The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights**

(Paragraph 4(a) of the .IN Domain Name Dispute Resolution Policy)

- In the present domain dispute, the Complainant has furnished information about their trade mark rights over the mark **FB** in several countries of the world including in India.
- The Complainant has submitted that the disputed domain incorporates the Complainant's trademark **FB** in its entirety and hence is confusingly similar to the Complainant's trademark.
- The Complainant has also made submissions and provided evidence in respect of its prior adoption and use, as well as reputation in its **FB** trademarks.
- The Complainant has further submitted that the mere addition of the terms "video" and "downloader" is not sufficient to distinguish the disputed domain name from the Complainant's trademark and it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain names associated.
- The Complainant has further submitted that the addition of domain extension "IND.IN" is not sufficient to escape the finding that the domain is confusingly similar to its trademark **FB** and does not change the overall impression of the designation as being connected to the trademarks of the Complainant, and the Arbitrator accepts the submission.

Thus, in light of the trademark rights presented by the Complainant and the documents placed on record, the Arbitrator finds that the Complainant has been successful in establishing their rights in the trademark **FB**. It is well established that trademark registration is recognized as prima facie evidence of rights in a mark. The Complainant, by filing documents showing its ownership over registered trademark **FB**, has established its prior rights in the same in India (the jurisdiction where the disputed domain is registered).

Further, it has been held by prior panels deciding under the INDRP that there exists confusing similarity where the disputed name incorporates the Complainant's trade mark, such as *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, *Indian Hotel Companies Limited v. Mr. Sanjay Jha, INDRP/148 <Gingerhotels.co.in>*, *Carrier Corporation, USA v. Prakash K.R. INDRP/238 <Carrier.net.in>*, *M/s Merck KGaA v. Zeng Wei INDRP/323 <Merckchemicals.in>*, *Colgate-Palmolive Company & Anr. v. Zhaxia INDRP/887 <Colgate.in>* and *The Singer Company Limited v. Novation In Limited INDRP/905 <singer.co.in>*. More recently, as held by the INDRP Panel in the matter of *Tata Communications Limited v. Chandan [INDRP/1880]* on August 29, 2024 – “It is well established that the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identical or confusing similarity”.

Further, it has been held by prior panels under the INDRP that mere addition of domain extension "IND.IN" is not sufficient to escape the finding that the disputed domain

name is confusingly similar to Complainant's trademark and does not change the overall impression of the designation as being connected to the trademarks of the Complainant.

Accordingly, it may be stated that the disputed domain name <FBVIDEODOWNLOADER.IND.IN> is confusingly similar to the Complainant's **FB** trade mark, and incorporates the same in entirety.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the .IN Domain Name Dispute Resolution Policy)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name, by demonstrating any of the following circumstances:

- (a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;*
- (b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights; or*
- (c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.*

In this regard, in the absence of any rebuttal from the Respondent, and in light of the below assertions of the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

- The Respondent's registration of the disputed domain name is much subsequent to the Complainant's adoption of the **FB** mark.
- The Complainant has not authorized, licensed or otherwise allowed the Respondent to make any use of its **FB** trade mark, in a domain name or otherwise.
- The Respondent's past use of the disputed domain name to provide tools to download content from social media platforms including Facebook, is breach of the Meta Developer Policies and which facilitate breach of the Facebook Terms of Service. Further, the use of such tools to download content from the Complainant's Facebook platform may put the security of Facebook users at risk.
- The disputed domain name is currently redirecting internet users to a website featuring links, which appear to be pay-per-click links.

- The Respondent's use of the disputed domain name, which is confusingly similar to the Complainant's **FB** trademark, is to attract Internet users to its website and misleading them into thinking that disputed domain has direct association with the Complainant.
- The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services.

As such, Respondent, by choosing not to respond to the Complaint, has failed to satisfy the conditions enshrined in paragraph 6 of the INDR Policy. As held in the prior panel in *Amundi v. GaoGou (INDRP/776)*, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests, and once such case is established, then it is the Respondent upon whom there is the burden of proof, to demonstrate rights or legitimate interests in the disputed domain name. In this regard, if the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(b) of the Policy.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not come forward with any assertion or evidence to show any bonafides. Thus, as mentioned above, in view of the lack of assertions on part of the Respondent, coupled with the other contentions put forth by the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) of the .IN Domain Name Dispute Resolution Policy)

In this regard, Complainant has *inter alia* contended the below points regarding Respondent's bad faith:

- The Respondent has no prior right and no authorization to use the trademark **FB**.
- The Respondent's awareness that the trademark **FB** (which is commonly used to refer to Facebook) is popular and famous in India. As the Complainant has registered the trademark **FB** in 2011 in India. Thereby, the Respondent had constructive notice of the Complainant and its rights in the mark **FB**.
- The Respondent's past use of the disputed domain name to provide tools to download content from social media platforms including Facebook, was misleading or was bound to be misled the users into thinking that disputed domain has direct association with the Complainant.
- The use of the disputed domain name by the Respondent is solely with mala fide intentions in order to deceive people browsing on the Internet into believing that the disputed domain name is associated with the Complainant.

- The Respondent is engaged in a pattern of trade mark-abusive registration targeting the Complainant and its related companies, which amounts to further evidence of bad faith.

In this regard, it is pertinent to reiterate that the Respondent has not submitted any reply or rebuttal to the Complainant's contentions, or any evidence in support of its bona fide registration or use of the disputed domain name.

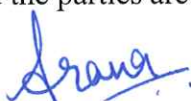
In view of the consolidated submissions of the Complainant, including the above, specifically regarding the relevance of paragraph 7(c) of the .IN Policy in the present domain dispute, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(c) of the Policy, namely *"(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"*.

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

9. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <FBVIDEODOWNLOADER.IND.IN> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



Lucy Rana, Sole Arbitrator

Date: June 13, 2025.

Place: New Delhi, India.