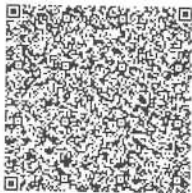




Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL04625268267967X
Certificate Issued Date	: 20-Jun-2025 10:47 AM
Account Reference	: IMPACC (IV)/ dl704203/ DELHI/ DL-ESD
Unique Doc. Reference	: SUBIN-DL70420346206540185711X
Purchased by	: PRAVEEN KUMAR JAIN
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: PRAVEEN KUMAR JAIN
Second Party	: Not Applicable
Stamp Duty Paid By	: PRAVEEN KUMAR JAIN
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



BEFORE THE SOLE ARBITRATOR

MR. PRAVEEN KUMAR JAIN, ADVOCATE

INDRP CASE NO. 1972

In the arbitration between:

Meta Platforms, Inc

and

Malika BZDRR

...Complainant

...Respondent



Plavce Mr. 1/

BEFORE THE SOLE ARBITRATOR
MR. PRAVEEN KUMAR JAIN, ADVOCATE
INDRP CASE NO. 1972

In the arbitration between:

Meta Platforms, Inc

1 Meta Way Menlo Park

California, 94025-1444

United States of America

Email: domaindisputes@hoganlovells.com

...Complainant

and

Malika BZDRR

Malikabazdrr Multan

Multan, Punjab 66000

Pakistan

...Respondent

ARBITRAL AWARD DATED: 08-08-2025

A. INTRODUCTION:

The above-titled complaint dated 26-02-2025 has been filed by the Complainant – **Meta Platforms, Inc** for adjudication of the domain name dispute in accordance with the *.IN Domain Name Dispute Resolution Policy* (hereinafter referred to as "the Policy), and the *INDRP Rules of Procedure* (hereinafter referred to as "the INDRP Rules") as adopted by the .IN Registry - *National Internet Exchange of India* (hereinafter referred to as "the Registry" for short). The



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disputed domain name <**facebookvideodownloader.ind.in**> is registered with the Registrar, namely Dynadot LLC. It was created on 2023-12-28 (YYY/MM/DD) and is set to expire on 2024-12-28 (YYY/MM/DD). The disputed domain name is registered by **Malika BZDRR**, the Respondent herein.

B. PROCEDURAL HISTORY:

Appointment of the sole Arbitrator:

1. *Vide* its email dated 26-03-2025, the Registry sought my consent for appointment as the Sole Arbitrator to adjudicate the above-stated domain name dispute between the above-said parties.
2. *Vide* my email dated 29-03-2025, I had furnished to the Registry my digitally signed 'Statement of Acceptance and Declaration of Impartiality & Independence' dated 29-03-2025 in the format prescribed by the Registry.
3. Thereafter, *vide* email dated 09-04-2025, the Registry informed the parties that the undersigned had been appointed as the Sole Arbitrator to adjudicate the dispute pertaining to the domain name <**facebookvideodownloader.ind.in**>, and accordingly, the matter was assigned INDRP Case No. 1972. Along with the said communication, the Registry also forwarded the soft copies of the Complaint, **Annexures** 1 to 17 and the undersigned's *Statement of Acceptance and Declaration of Impartiality & Independence*.



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Tribunal's Notice to the Parties:

4. *Vide* email dated 10-04-2025, this Tribunal issued a Notice of Arbitration under Rule 5(c) of the INDRP Rules, accompanied by the Statement of Independence and Impartiality in compliance with Section 12 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the Act”), read with the Sixth Schedule thereto. As on this date, no objections have been raised by either party with respect to my appointment as the Sole Arbitrator in the present proceedings.

Procedural Order dated 20-06-2025:

5. The Tribunal has recorded the submissions made by the Complainant pertaining to the service of the copy of the complaint *via* email dated 11-04-2025 to the Respondent’s email address <malikabzdr@gmail.com> indicating the successful delivery as no bounce back emails were received.
6. The proof of service was placed on record by the way of three separate emails. The Complainant submitted that the physical delivery of the complete set of the complaint could not be effected owing to the incomplete postal address provided by the Respondent, thereby rendering such delivery unfeasible. It was further prayed by the Complainant that the requirement of service by hard copy be dispensed with in the present matter.
7. The Tribunal, owing to the non-response of the Respondent after being granted and directed on multiple occasion has closed its



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Right to file its response and has decided to proceed the matter *ex-parte*, however allowed the Respondent the liberty to participate in the proceedings at any subsequent stage.

8. *Vide* the same order, the Tribunal had framed the issues along with the directions to pass to the parties to file their respective statement of costs by 25-06-2025.

Procedural Order dated 02-07-2025:

9. The Tribunal observed that the Respondent has neither entered appearance nor filed its response till date. Accordingly, as recorded in the order dated 20-06-2025, the matter was directed to proceed *ex parte*.
10. The Tribunal further observed that the Complainant had filed an unnotarized Power of Attorney along with its complaint, despite the “Note” issued by the Registry - *vide* its email dated 09-04-2025 - requiring the filing of a notarised or apostilled copy of the Power of Attorney. The contents of the said email have already been referred to in this order and are not being reproduced here for the sake of brevity. It was also observed that the Complainant has not filed a copy of its Board Resolution to *ex facie* establish that Mr. Scott Minden was authorised by the Board of Directors to sign and file the complaint on behalf of the Complainant before this Tribunal and/or the Registry.



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11. In view of the foregoing facts and circumstances, the Tribunal deemed it appropriate to frame additional issues, placing the *onus probandi* on the Complainant. It was directed that these additional issues be decided prior to adjudicating the issues framed in the previous order. Accordingly, the Complainant was directed to file the requisite documents and submissions in relation to the additional issues so framed.
12. It was further noted that the parties had not submitted any additional or proposed issues, nor had they filed their respective statements of costs. They were accordingly granted a last and final opportunity to submit the same on or before 05-07-2025, failing which the award would be passed on the basis of the issues framed *vide* order dated 20-06-2025, together with the additional issues framed hereinabove.
13. The Complainant was directed to submit scanned copies of the notarised or apostilled Board Resolution and the Power of Attorney (Annexure - 2) *via* email to the Tribunal, with copies marked to the Respondent and the Registry, on or before 05-07-2025. The Tribunal clarified that failure to comply with the aforesaid directions would result in the award being passed in the present proceedings on the basis of the material available on the arbitral record.



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Acknowledgement and reply to Tribunal:

14. *Vide* email dated 03-07-2025, Ms Jane Seager acknowledged the receipt of the order dated 02-07-2025 and submitted her response to the same which is being reproduced as under:

Dear Mr Kumar

Thank you for your email and the attached Order. Please see attached a notarized copy of the Power of Attorney. This notarized Power of Attorney is signed by Scott Minden, Director & Associate General Counsel employed by the Complainant.

As shown in the attached document, the Notary Public acknowledged that the signatory, Scott Minden, is authorized by the Complainant to execute the Power of Attorney which appoints Jane Seager and David Taylor to act on behalf of the Complainant. More specifically, the Notary Public states:

"On May 29, 2025 before me, Amy M. Wells, Notary Public, personally appeared Scott Minden, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument."

Please note that the entirety of our submissions is included in the Complaint and Annexes already filed. With regard to your query concerning whether the Complainant is an incorporated company, we would respectfully refer you to Annex 1 which contains a Copy of the Amended and Restated Certificate of Incorporation documenting the change of the Complainant's name from "Facebook, Inc." to "Meta Platforms, Inc."

We trust that this answers your questions and look forward to receiving the decision.

Yours faithfully

Jane

Jane Seager



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Procedural Order dated 03-07-2025:

15. The Tribunal received a communication from Ms. Jane Seager in response to the directions issued *vide* order dated 02-07-2025, enclosing a fresh Power of Attorney dated 17-04-2025, which acknowledges that the signatory, Mr. Scott Minden, is authorised by the Complainant to execute the said Power of Attorney appointing Ms. Jane Seager and Mr. David Taylor to act on behalf of the Complainant.
16. It was further submitted in the same email that the entirety of the submissions were included in the complaint and its annexures, and the Tribunal was referred to Annex - 1, which contains a copy of the Amended and Restated Certificate of Incorporation, documenting the change of the Complainant's name from *Facebook, Inc.* to *Meta Platforms, Inc.*
17. *Vide* her email dated 03-07-2025, the Complainant's authorised representative, Ms. Jane Seager, submitted a response to the Tribunal's earlier directions issued *vide* order dated 02-07-2025. After considering the submissions, the Tribunal, *vide* Procedural Order dated 03-07-2025, observed that the Complainant had not furnished:
 - a. any **notarised** or **apostilled** Certificate of Incorporation to prove its legal existence,



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- b. **Board Resolution** authorising Mr. Scott Minden to file the Complaint or execute a Power of Attorney, and Exhibit A to the Amended & Restated Certificate of Incorporation dated 28-10-2021 evidencing the change of name from Facebook, Inc. to Meta Platforms, Inc.
18. The Tribunal also noted deficiencies in the notarisation process and lack of supporting documents for claims made in the Complaint and email submissions. Accordingly, the Tribunal granted the Complainant a final opportunity to cure these procedural defects by submitting duly notarised or apostilled documents by 05-07-2025. It was clarified that failure to comply would result in the Complaint being decided based on the existing record.

Procedural Order dated 05-07-2025:

19. *Vide* email dated 05-07-2025, Ms. Jane Seager requested the Tribunal to extend the deadline of 05-07-2025, stating that the Complainant was unable to provide the relevant documents due to practical constraints.
20. The Tribunal, in its order dated 05-07-2025, noted that a last and final opportunity had already been granted to the Complainant *vide* order dated 03-07-2025, and recorded the chronology of key communications and directions in paragraph 3 of the said order, which is not being reproduced here for the sake of brevity.



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21. The Tribunal noted with dismay the continued lack of diligence on the part of the Complainant in complying with procedural requirements. The repeated failure to submit foundational documents - despite multiple directives and ample opportunity - reflected a lacklustre and casual approach to the proceedings, which the Tribunal found unacceptable. It was further observed that it was not the responsibility of the Tribunal to repeatedly call upon the Complainant to comply with basic procedural norms. The Tribunal held that it was the fundamental duty of the Complainant to file its complaint in proper form, along with all necessary supporting documents, without waiting for specific directions, and that a party initiating arbitral proceedings was expected to do so in a complete and compliant manner from the outset.
22. Notwithstanding the clear statement in the order dated 03-07-2025 that no further extensions would be granted, and solely in the interest of justice, the Tribunal granted an extension of time until 08-07-2025 for submission of the requisite documents. It was further clarified that, should the Complainant fail to comply within this extended period, the Award in the present proceedings shall be passed on the basis of the pleadings and documents already on the arbitral record. The Tribunal also recorded that if the Complainant anticipated requiring any further extension beyond 08-07-2025, it would be at liberty to make a reasoned request to the Registry, and only in the event of a formal grant of extension by the Registry would the Tribunal consider postponing the



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Award. Absent such extension, no further delay would be entertained.

Procedural Order dated 10-07-2025:

23. The Tribunal recorded receipt of an email dated 08-07-2025 from Ms. Jane Seager, wherein she acknowledged the Procedural Order dated 05-07-2025 and stated that, due to practical difficulties, the Complainant was unable to comply with the directions within the stipulated timeline.
24. Although the timeline for passing the Award had already been extended, the Tribunal, in the interest of justice, granted a further extension until 25-07-2025 for compliance. It was expressly stated that this would be the last and final extension, and that no further requests for extension would be entertained. The Tribunal further noted that, upon the lapse of this deadline, it would proceed to pass the Award on the basis of the pleadings and documents then available on the arbitral record

Procedural Order dated 25-07-2025:

25. *Vide* her email dated 18-07-2025, Ms. Jane Seager, representative of the Complainant, submitted a response pursuant to the aforesaid orders. She enclosed a notarised *Declaration of Corporate History*, including the Certificate of Incorporation and the Amended and Restated Certificate of Incorporation (along with Exhibit - A). With respect to the requirement of a Board Resolution, she enclosed a notarised certificate signed by the



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Assistant Secretary of Meta Platforms, Inc., certifying that Mr. Scott Minden was authorised to execute Powers of Attorney and other documents authorising local counsel in various jurisdictions, including India, to represent the company in domain name matters before NIXI.

26. It was noted that the Respondent had not filed any response or objections to the Complainant's submissions. Further, neither party had requested an oral hearing or filed their Statement of Costs within the timeline stipulated *vide* order dated 20-06-2025. Accordingly, the documents submitted by the Complainant were taken on record. The arbitral proceedings thus stood concluded, and the matter was reserved for the passing of the Award.

C. COMPLAINANT'S COMPLAINT:

The Complainant has stated the following facts in its complaint dated 26-02-2025:

Introduction of the Complainant:

1. The Complainant has stated that it is Meta Platforms, Inc. (Meta), a United States-based social technology company which operates, *inter alia*, Facebook, Instagram, WhatsApp, and Meta Quest (formerly Oculus).
2. The Complainant stated that it was formerly known as Facebook, Inc., and announced its change of name to Meta Platforms, Inc. on 28-10-2021, which was publicised globally. The company's stated



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focus is to bring the metaverse to life and to help people connect, find communities, and grow businesses. According to the Complainant, the metaverse aims to offer a hybrid of current online social experiences - sometimes expanded into three dimensions or projected into the physical world - allowing users to share immersive experiences even when apart, and to do things together that may not be possible 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 annexed as **Annexure 4**. Screen captures of the Complainant's webpage <https://about.meta.com> have been annexed as **Annexure 5**.

3. The Complainant has further stated that it was founded in 2004, operates the Facebook platform, commonly known by the abbreviation 'FB'. It is recognised globally as a leading provider of online social media and social networking services. The stated mission of Facebook is to empower individuals to build communities and to foster greater global connectivity. The platform is widely used by individuals to maintain connections with friends and family, to access current events, and to share and express views and matters of personal significance. The Complainant has annexed the Screen capture of Facebook's homepage at www.facebook.com as **Annexure 6** to the Complaint.



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4. The Complainant has further stated that since its launch in 2004, the Facebook platform has rapidly acquired considerable renown and goodwill across the globe. By the end of 2004, it had reached 1 million active users; by August 2008, this number had grown to 100 million; by July 2010, to 500 million; by September 2012, to 1 billion users worldwide; and by September 2018, the platform had amassed approximately 2.27 billion users globally.
5. The Complainant has further stated that, as of December 2023, the Facebook platform has over 3 billion monthly active users and an average of 2.11 billion daily active users worldwide. Facebook is currently ranked as the 16th most downloaded application for iOS devices globally, as reported by the applications data analytics company, Data.ai. In the year 2024, the FACEBOOK brand was ranked 21st in Interbrand's Best Global Brands report. In support of these assertions, the Complainant has annexed various documents, including Facebook's company information, the 2024 Interbrand report, the platform's Wikipedia entry, and press articles documenting Facebook's rapid global growth and popularity, marked as **Annexure 7**. Further, screen captures from online dictionaries, evidencing that the term 'FB' is commonly used to refer to the Complainant's Facebook platform, have been submitted as **Annexure 8**.
6. The Complainant has further stated that, reflecting its global reach, the Complainant is the registrant of numerous domain



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names consisting of or incorporating the FACEBOOK trademark. These domain names are registered across a broad spectrum of generic Top-Level Domains (gTLDs) as well as numerous country-code Top-Level Domains (ccTLDs). In support thereof, the Complainant has annexed copies of the WhoIs records for selected domain names comprising its FACEBOOK trademark as **Annexure 9**.

7. The Complainant has further stated that it made substantial investments to establish and maintain a strong online presence through active engagement on various social media platforms, including Facebook, Twitter (now rebranded as X), and LinkedIn. By way of illustration, the official Facebook page of the Complainant has garnered over 141 million 'likes', while its profile on X has approximately 605 thousand followers. The URLs of these pages have been provided, and screen captures of the Complainant's social media pages are annexed to the Complaint as **Annexure 10**.

The Complainant's trademarks:

8. The Complainant has stated that, in addition to its strong online presence, it has secured ownership of numerous trademark registrations for the marks FACEBOOK and FB in multiple jurisdictions across the world. These include, but are not limited to, the following registrations:



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- i. Pakistani Trademark Registration No. 248352 for FACEBOOK, registered on 31 March 2008 (Class 45);
- ii. Indian Trademark Registration No. 1622925 for FACEBOOK, registered on 9 November 2011;
- iii. United States Trademark Registration No. 3122052 for FACEBOOK, registered on 25 July 2006 (first use in commerce in 2004);
- iv. European Union Trademark Registration No. 005722392 for FACEBOOK, registered on 29 April 2008;
- v. International Registration No. 1075094 **facebook** for FACEBOOK, registered on 16 July 2010;
- vi. Indian Trademark Registration No. 4337405 for FB, registered on 4 November 2019;
- vii. European Union Trademark Registration No. 008981383 for FB, registered on 23 August 2011; and
- viii. United States Trademark Registration No. 4659777 for FB, registered on 23 December 2014.

Sr. No.	Jurisdiction	Number	Mark	Date	Class/Notes
i.	Pakistan	248352	FACEBOOK	31-03-2008	Class 45
ii.	India	1622925	FACEBOOK	09-11-2011	
iii.	United States	3122052	FACEBOOK	25-07-2006	First use in commerce in 2004
iv.	European Union	005722392	FACEBOOK	29-04-2008	



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v.	International Registration	. 1075094	facebook FACEBOOK	16-07-2010	
vi.	Indian Trademark Registration	4337405	FB	04-11-2019	
vii.	European Union Trademark	00898138 3	FB	23-08-2011	
viii.	United States Trademark	4659777	FB	23-12-2014	

9. The Complainant has further stated that it has also secured ownership of several figurative trademark registrations. These include the following:

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 Registration No. 009776601,



, registered on 22 November 2011.

Sr. No.	Jurisdiction	Number	Mark	Date
1.	Indian Trademark	1969520		21-05-2010
2.	United States	4978379		14-06-2016
3.	European Union	009776601		22-11-2011

Copies of the certificates evidencing these registrations have been annexed to the Complaint as **Annexure 11**.

10. It is further stated that the Complainant's valuable reputation, both offline and online, is essential not only to preserving the distinctiveness and commercial value of its brand, but also to ensuring the continued success, integrity, and protection of its business and its users. Accordingly, the Complainant invests substantial resources in safeguarding its trademark rights and associated goodwill, including through the initiation of proceedings such as the present administrative complaint.

The Domain Name, the associated website and the Respondent:

Genesis of the Dispute:

11. The Complainant has stated that it was recently made aware of the Respondent's registration of the disputed Domain Name, which



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comprises the Complainant's registered trademark FACEBOOK in its entirety, along with the descriptive terms "video" and "downloader", under the country code top-level domain (ccTLD) ".ind.in".

12. The Complainant has further stated that the disputed Domain Name redirects to the website located at <https://fbdown.net.in/>, titled "FBDown", which purports to offer tools that enable Internet users to download content from Facebook, i.e., the Respondent's website. It is further stated that the Respondent's website contains the following promotional text:

"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."

13. The Complainant has further stated that the Respondent's website makes prominent reference to the Complainant's FACEBOOK and FB trademarks, and further incorporates variations of the Complainant's figurative trademarks, including in the favicon, as follows:

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

14. The Complainant has further stated that the Respondent's website features a blue and white colour scheme that closely resembles the colour scheme used on the Complainant's Facebook platform.
15. The Complainant has further stated that the Respondent's website does not provide any disclaimer clarifying its relationship-or lack thereof with the Complainant. It has further stated that the Respondent's website includes the following text at the bottom of the homepage:

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

The Complainant has further stated that the Respondent's website states as follows:

"Never associate our trademark Facebook Video DownloaderTM with and never confuse our Facebook Video DownloaderTM 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 annexed screen captures of the website to which the disputed Domain Name resolves, along with evidence of redirection as **Annexure 12**.

16. The Complainant has further stated that the Respondent was named as the respondent in the following cases, in which the respective Panels ordered the transfer of domain names containing FB/FACEBOOK-formative, INSTA/INSTAGRAM-formative,



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and WHATSAPP formative marks to the Complainant and its related entities. The names are as follows:

- i. *Meta Platforms, Inc. v. Malika BZDRR*, WIPO Case No. D2024-5326 (<facebookvideodownloader.cc> et al.)³;
- ii. *WhatsApp, LLC. v. Malika BZDRR*, WIPO Case No. D2023-4808 (<downloadgbwhatsapp.co> et al.)⁴;
- iii. *Instagram, LLC v. Malika BZDRR*, WIPO Case No. D2024-3568 (<saveinstaa.com>); and
- iv. *Instagram, LLC v. Malika BZDRR*, WIPO Case No. D2024-2887 (<downloadvideoinstagram.net>).

17. The Complainant has further stated that, in addition to the disputed Domain Name, the Respondent is the registrant of at least six domain names - namely, <facebookvideodownloader.net.in>, <fbdown.net.in>, <fbdownloader.net.in>, <fbvideodownloader.net.in>, and <fbvideodownloader.ind.in>— all of which are alleged to target the Complainant's trademark rights. The Complainant has referred to **Annexure 17**, which contains the underlying registrant details disclosed by NIXI pursuant to the Complainant's filing of INDRP Complaints in relation to the disputed Domain Name as well as the additional domain names mentioned above.

18. The Complainant has further stated that the present Complaint has been filed seeking the transfer of the disputed Domain Name under the .IN Domain Name Dispute Resolution Policy (.IN Policy), in order to protect the Complainant's rights and legitimate business interests.



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GROUND'S OF THE COMPLAINANT:

The Complainant has submitted several grounds in support of the Complaint which are stated in brief as under:

- A. It is submitted by the Complainant that, pursuant to Paragraph 4 of the INDRP Policy, Any Person who considers that a registered domain name conflicts with his legitimate rights or interests may file a Complaint to the INDRP Registry on the following premises:
- i. The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;
 - ii. The Registrant has no rights or legitimate interests in respect of the domain name; and
 - iii. The Registrant's domain name has been registered or is being used in bad faith.
- B. The Complainant has further submitted that, in its legal submissions, reliance has been placed on decisions rendered by panels under either the INDRP Policy or the Uniform Domain Name Dispute Resolution Policy (the UDRP), as well as the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (WIPO Overview 3.0), given that the INDRP Policy closely follows the UDRP.

Reference is made, for instance, to the decision in *LEGO Juris A/S v. Robert Martin*, INDRP/125 (<lego.co.in>), wherein the panel referred to prior UDRP decisions to support its findings.



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I. **The Domain Name is identical or confusingly similar to the Complainant's trademarks:**

- a. The Complainant submits that it has established rights in the trademark **FACEBOOK** for the purposes of Paragraph 4(a) of the INDRP Policy. In this regard, reference is made to **Annexure 11**.
- b. The Complainant further contends that the disputed Domain Name incorporates its **FACEBOOK** trademark, followed by the terms “video” and “downloader,” under the domain extension “.ind.in.”
- c. The Complainant submits that the mere addition of the terms “video” and “downloader” does not negate a finding of confusing similarity, as the **FACEBOOK** trademark remains clearly recognisable within the Domain Name. Reliance is placed on **WIPO Overview 3.0, Section 1.8**. Reference is also made to the decision in *Guess? IP Holder L.P. and Guess? Inc. v. Powell Amber, INDRP/1819* (<guessindiaonline.in>), wherein the Panel held:

“The disputed domain name includes the Complainant’s ‘GUESS’ trademark. Such inclusion is by itself enough to consider the disputed domain name confusingly similar to the Complainant’s GUESS trademark. [...] 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.”

Further reliance is placed on *Meta Platforms, Inc., Instagram, LLC v. Sonia Webster, tan alisa, tencent, WIPO Case No. D2024-*



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0691 (<facebookvideodownloader.org> et al.), where the Panel held:

“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.”

Further reference is made to *Meta Platforms, Inc. v. Batyi Bela*, **WIPO Case No. D2024-2017** (<fbvideodownloads.com>), in support of the Complainant’s contention.

- d. The Complainant further submits that with respect to the “.ind.in” domain extension, it is well established under the INDRP Policy that such domain extensions are to be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant’s trademark. In this regard, reliance is placed on the decision in *Canva Pty Ltd v. Jun Yin*, **INDRP/1831** (<canva.com.in>), wherein the Learned Panel disregarded the domain extension for the purpose of assessing confusing similarity.
- e. The Complainant accordingly submits that the disputed Domain Name is confusingly similar to the Complainant’s trademark in accordance with Paragraph 4(a) of the INDRP Policy.

II. Respondent has no rights or legitimate interests in respect of the domain Name:



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[Para 4(b) of the Policy read with para 6 of the Policy and Clause 4(b)(vi)(2) of INDRP Rules]

- a. The Complainant submits that the Respondent has no rights or legitimate interests in the disputed Domain Name.
- b. The Complainant further submits that, as established by prior panels under the INDRP Policy, where a complainant makes out a *prima facie* case that a respondent lacks rights or legitimate interests, the burden of prove shifts to the respondent to furnish relevant evidence demonstrating such rights or legitimate interests. In the absence of such evidence, the complainant is deemed to have satisfied the second element. Reliance is placed on the decision in *Instagram LLC v. Ding RiGuo*, INDRP/1183 (<instagram.in>), a copy of which is enclosed as **Annexure 13**.
- c. The Complainant further asserts that the Respondent is unable to invoke any of the circumstances outlined in Paragraph 6 of the INDRP Policy to establish rights or legitimate interests in the Domain Name.

No Bona Fide Offering of Goods or Services:

- d. The Complainant submits that the Respondent cannot claim that, prior to any notice of this dispute, he was using or had made demonstrable preparations to use the Domain Name in connection



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with a *bona fide* offering of goods or services, as contemplated under Paragraph 6(a) of the INDRP Policy.

- e. The Complainant further submits that it has not authorised, licensed, or otherwise permitted the Respondent to use its FACEBOOK trademark, either in a domain name or otherwise. Panels have held that the absence of such authorisation is sufficient to establish a *prima facie* case regarding the Respondent's lack of rights or legitimate interests. Reliance is placed on *Wacom Co. Ltd. v. Liheng*, INDRP/634 (<wacom.in>), where the Panel held 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.”

- f. The Complainant further submits that the Respondent's website purports to provide tools for downloading content from social media platforms, including Facebook.
- g. The Complainant submits that although prior panels have recognised that domain names incorporating a third-party trademark may, under limited circumstances, be used in connection with a *bona fide* offering of goods or services, such assessment is guided by the *Oki Data* criteria laid out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, and affirmed in WIPO Overview 3.0, Section 2.8.



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- h. The Complainant contends that the Respondent fails to meet the *Oki Data* criteria:

Firstly, the Respondent is not genuinely offering services related to the Complainant's products, but is offering unauthorised Facebook downloader tools, which are in direct violation of the Meta Developer Policies and the Facebook Terms of Service, thereby putting Facebook users' security at risk.

Secondly, the Respondent is not exclusively offering goods or services related to the FACEBOOK trademark, as the services extend to other third-party platforms, exceeding the scope of referential use.

Thirdly, the Respondent has failed to disclose its lack of affiliation with the Complainant. On the contrary, the website displays a misleading copyright notice and adopts a blue-and-white theme similar to the Complainant's interface, thereby creating a false impression of association.

- i. The Complainant submits that such use is not only unauthorised and in bad faith, but also fails to confer any rights or legitimate interests under the INDRP Policy. Reference is made to *Meta Platforms, Inc. v. Saida Yakubova*, WIPO Case No. D2023-1029 (<myfbdownloader.com>).



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- j. The Meta Developer Policies have been submitted and enclosed as Annexure 14, and a copy of the Facebook Terms of Service is provided as Annexure 15. These policies require developers to adhere to the design, functionality, and intended use of Meta platforms and explicitly prohibit functionalities that compromise platform integrity.
- k. The Complainant submits that the Respondent's use of the Domain Name to host tools enabling unauthorised downloading of content from Facebook is in clear violation of the Meta Developer Policies and Terms of Service. This conduct not only breaches platform rules but also endangers user privacy by enabling the collection and potential misuse of scraped data. Panels have consistently held that such actions do not constitute a *bona fide* offering and confer no rights or legitimate interests in the domain name. In ***Facebook, Inc. v. Domain Administrator, PrivacyGuardian.org / Hernando Sierra***, WIPO Case No. D2018-1145 (<dlfacebook.com>, <genfb.com>, <genfb.net>), the Panel held that offering Facebook video downloading tools constituted further evidence of the respondent's lack of legitimate interests. In ***Meta Platforms, Inc. v. Vladimir Shubert***, WIPO Case No. D2024-3370 (<videodownloaderforfb.com>), the Panel concluded that operating a website for Facebook video downloads violated Meta's Terms of Service and failed to establish any legitimate rights.



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- l. The Complainant submits that the Respondent's conduct aligns with the misuse observed in the aforementioned cases and fails to support any claim of legitimate interest under Paragraph 6(a) of the INDRP Policy.

Not Commonly Known by the Domain Name:

- m. The Complainant submits that the Respondent cannot plausibly claim to be commonly known by the Domain Name, as contemplated under Paragraph 6(b) of the INDRP Policy.
- n. The identity of the underlying registrant has been disclosed as "Malika BZDRR," which bears no resemblance to the disputed Domain Name.
- o. To the best of the Complainant's knowledge, there is no evidence of the Respondent having acquired or applied for any trademark registration for "facebookvideodownloader" or any similar variation.
- p. The Respondent's use of the Domain Name, as elaborated above, does not support any reasonable assertion of being commonly known by the Domain Name or possessing any independent goodwill in the same, separate from the Complainant's well-established trademark rights.



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No Legitimate Non-Commercial or Fair Use:

- q. Given the Respondent's use of the Domain Name as outlined, the Complainant submits that the Respondent cannot claim to have made any legitimate non-commercial or fair use of the Domain Name without intent for commercial gain, as required under Paragraph 6(c) of the INDRP Policy.
- r. As clarified in *WIPO Overview 3.0, Section 2.5.1*, even the addition of generic terms to a trademark in a domain name does not qualify as fair use if it implies sponsorship or endorsement by the trademark owner:

“Even where a domain name consists of a trademark plus an additional term (at the second or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.”

- s. The Complainant submits that the Domain Name incorporates its well-known FACEBOOK trademark, followed by the descriptive terms “video” and “downloader,” implying a tool for downloading Facebook content. This structure falsely suggests affiliation with the Complainant.
- t. Furthermore, the Respondent's website not only provides unauthorised downloading tools, but also uses a favicon resembling the Complainant's logo and a blue-and-white design, further misleading users into assuming association. Panels have consistently rejected such practices as fair use. In *Instagram, LLC*



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v. *Domains By Proxy, LLC / Ahmed Hemaïd*, WIPO Case No. D2021-1439 (<instagram-downloader.net>), and *Instagram, LLC v. Nerijus Abrutis*, WIPO Case No. D2021-2047 (<instavideosdownloader.com>), the panels concluded that mimicking the trademark owner's branding and services disqualified any claims of legitimate or fair use.

- u. The Complainant asserts that the Respondent's use of the Domain Name - confusingly similar to the FACEBOOK trademark - in connection with a service-oriented website operated for commercial gain, does not constitute non-commercial or fair use.
- v. In view of the foregoing, the Complainant submits that it has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. Accordingly, under Paragraph 6 of the INDRP Policy and WIPO Overview 3.0, Section 2.1, the burden of proof now shifts to the Respondent to submit rebuttal evidence. In the absence of such evidence, the Complainant should be deemed to have met the requirements under Paragraph 4(b) of the INDRP Policy.

III. **The Domain Name has been registered or is being used in bad faith.**

[Para 4 (c) of the Policy read with para 7 of the Policy and Clause 4(b)(vi)(3) of INDRP Rules]



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- a. The Complainant submits that the Domain Name was both registered and is being used in bad faith. However, under the INDRP Policy, it is sufficient to establish that the Domain Name was either registered or is being used in bad faith.
- b. The Complainant further submits that Paragraph 7 of the INDRP Policy sets forth specific, albeit non-exhaustive, circumstances that may constitute evidence of bad faith registration or use, as contemplated under Paragraph 4(c) of the Policy.
- c. The Complainant further contends that Paragraph 7(c) is particularly relevant to the present matter. In addition, other factors - though not expressly listed under Paragraph 7 - strongly support the inference of bad faith registration and use by the Respondent.
- d. The Complainant further submits that its **FACEBOOK** trademark is inherently distinctive and globally recognised in connection with social media services. The mark has been used continuously and extensively since its launch, acquiring substantial reputation and goodwill worldwide.
- e. The Complainant further submits that a search conducted on www.google.com and www.google.co.in for the relevant term yields results that predominantly refer to the



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Complainant. Screenshots of these search results have been enclosed as **Annexure 16**.

- f. Given the Complainant's widespread reputation and trademark rights, including in India, which predate the registration of the Domain Name, the Respondent cannot reasonably claim to have been unaware of the **FACEBOOK** trademark at the time of registering the Domain Name in 2023. Reference is made to *Meta Platforms Inc. v. Mika Khan*, INDRP/1642 (<facebook.co.in>), the details of which are provided at pages 13–14 of the Complaint:

“The Complainant had clearly acquired common law rights in the term **FACEBOOK** since February 2004, well before the registration date of the disputed Domain Name. [...] The Complainant has established, through evidence, that it holds valuable rights in the **FACEBOOK** mark not only by virtue of prior use but also through registered trademarks across numerous jurisdictions globally.”

- g. The Complainant submits that the Respondent registered the Domain Name with actual knowledge of the Complainant's trademark rights. Prior panels have consistently held that awareness of a well-known mark at the time of domain registration constitutes strong evidence of bad faith. Reference has been made to *QRG Enterprises Limited & Havells India Limited v. Zhang Mi*, INDRP/852 (<qrg.co.in>) wherein it has been observed:



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“Such registration of a domain name based on awareness of a trademark is indicative of bad faith registration under the Policy.”

- h. The Complainant further submits that the Respondent has previously been involved in multiple proceedings involving domain names incorporating FB/FACEBOOK, INSTA/INSTAGRAM, and WHATSAPP-formative terms, in which panels ordered the transfer of those domain names to the Complainant or its affiliates. Furthermore, the Respondent currently holds at least six domain names targeting the Complainant’s trademark rights. This pattern of trademark-abusive registrations evidences bad faith. Reference is made to *Fieldfisher LLP v. Ruben M*, WIPO Case No. D2023-1263, wherein the panel has observed as follows:

“The Respondent has been the subject of an adverse ruling under the UDRP in a previous case (*Fieldfisher LLP v. Ruben M*, WIPO Case No. D2022-4074) involving the Complainant for the nearly identical domain name <fieldfisherlawgroup.com>, demonstrating a pattern of bad faith activity against the Complainant’s interests.”

- i. The Complainant submits that the Respondent’s use of incomplete or inaccurate registrant information—namely, “Malikabzdr Multan Multan, Punjab 66000 Pakistan,” which omits any street name or number—constitutes further evidence of bad faith, as recognised under **WIPO Overview 3.0, Section 3.6**.



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- j. Accordingly, the Complainant submits that the Respondent registered the Domain Name in bad faith, in violation of Paragraph 4(c) of the INDRP Policy.
- k. The Complainant submits that the Respondent's use of the Domain Name to offer tools for downloading content from Facebook constitutes an intentional attempt to attract Internet users by creating a likelihood of confusion with the Complainant's **FACEBOOK** trademark. This conduct constitutes bad faith under Paragraph 7(c) of the INDRP Policy.
- l. The Complainant further submits that prior panels have held that unauthorised downloading of content from the Complainant's platform compromises user privacy and security, thereby constituting bad faith. Reference is made to *Meta Platforms, Inc. v. Muhammad Shahbaz*, WIPO Case No. D2024-028 (<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 unauthorised purposes by third parties. Prior UDRP panels have held that the unauthorised automated downloading of content from social networks amounts to bad faith.”

- m. The Complainant further submits that the composition of the Domain Name - which incorporates the Complainant's well-known **FACEBOOK** trademark with the descriptive terms “video” and “downloader” - along with the Respondent's use



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of a blue-and-white colour scheme similar to that of the Facebook platform and a variation of the Complainant's logo, including as a favicon, is intended to falsely suggest an affiliation with the Complainant. Such imitation is designed to divert Internet traffic for unauthorised purposes and disrupt the Complainant's legitimate business activities, thereby constituting bad faith registration and use. Reference is made to *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> and related domain names).

- n. The Complainant submits that the absence of any disclaimer on the Respondent's website disclosing the lack of affiliation with the Complainant further increases the likelihood of confusion and reinforces the inference of bad faith. As noted in **WIPO Overview 3.0, Section 3.7**, even the presence of a disclaimer may not cure the bad faith inherent in such use. See *Instagram, LLC v. Protection of Private Person / Yurii Shemetilo / Olha Shostak*, WIPO Case No. D2022-2832 (<insta-stories.online> and related domain names):

"While a clear and sufficiently prominent disclaimer could support an inference of good faith, where the totality of circumstances indicates bad faith, such a disclaimer is ineffective. In fact, panels have held that a disclaimer in such contexts may be considered an admission that users are likely to be confused."



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- o. In light of the Respondent's knowledge of the Complainant's trademark rights and its misleading use of the Domain Name, the Complainant submits that the registration and use of the Domain Name is in bad faith, in violation of **Paragraph 4(c)** of the INDRP Policy.

Reliefs sought by the complainant:

In accordance with Paragraph 10 of the .IN Policy and Paragraph 3(b)(vii) of the .IN Rules, and for the reasons set out in Section IV above, the Complainant has requested this Tribunal to transfer the Domain Name to the Complainant and to award costs as may be deemed appropriate.

D. RESPONDENT'S RESPONSE:

The Respondent has neither entered appearance before this Tribunal nor filed any written Response or Reply in the matter. In view of the Respondent's continued non-compliance with the Tribunal's directions, the Tribunal is constrained to adjudicate the matter solely on the basis of the pleadings and documents placed on record by the Complainant.

E. REASONING AND FINDINGS OF THE TRIBUNAL:

I have minutely examined the Complaint dated 26-02-2025 and its annexures. I have also examined the *.IN Domain Name Dispute Resolution Policy* and the *INDRP Rules of Procedure* as adopted by the .IN Registry, as well as the provisions of the Arbitration and Conciliation Act, 1996.



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Rules of Procedure and Rules Applicable to the Substance of the Dispute:

This Arbitral Tribunal is mindful of the legal position that, in accordance with Section 19(1) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act"), it is not bound by the provisions of the Code of Civil Procedure, 1908, or the Indian Evidence Act, 1872 (now replaced by the *Bharatiya Sakshya Adhiniyam, 2023*). Further, Section 19(3) of the Act provides that, failing any agreement referred to in sub-section (2) of Section 19, the arbitral tribunal may conduct the proceedings in such manner as it considers appropriate. Section 19(4) of the Act vests the arbitral tribunal with the power to determine the admissibility, relevance, materiality, and weight of any evidence. In a similar vein, Rule 13(d) of the INDRP Rules also empowers the Arbitrator to determine the admissibility, relevance, materiality, and weight of evidence. However, it has been consistently held by the Courts of law that, while arbitral tribunals are not bound by the strict rules of evidence, they must nevertheless adhere to the basic principles underlying the Indian Evidence Act, 1872, as well as the principles of natural justice.

It may be noted that the Tribunal, in the present matter, has not insisted upon the hyper-technical requirement under the *Bharatiya Sakshya Adhiniyam, 2023* (hereinafter referred to as "the BSA") to file a certificate for electronic evidence filed by the Complainant.

Rule 18 of the INDRP Rules provides as under:



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18. Arbitral Award:

- a. 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, 2019 (as amended up to date) 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.
- b. An Arbitrator shall give his/ her award in writing, mentioning the name of the parties; the complete name of the Arbitrator; the impugned domain name; the date of passing of the award and observations made while passing such award.

Accordingly, *vide* its order dated 20-06-2025, the Tribunal had stated as under:

7. It is hereby clarified that the aforementioned issues shall be examined in accordance with the provisions of the Arbitration and Conciliation Act, 1996 (as amended up to date) [hereinafter referred to as "*the Act*"], the INDRP Rules of Procedure, the .IN Domain Name Dispute Resolution Policy, as well as the well-established principles of natural justice, and the fundamental principles underlying the Code of Civil Procedure, 1908, and the Bharatiya Sakshya Adhinyam, 2023 [hereinafter referred to as "*BSA*"], which have been held by courts of law to be applicable in arbitral proceedings.

Further, Rule 17 of the INDRP Rules provides as under:

17. Default by Parties:

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

Further, Section 25 of the Act provides as under:



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25. Default of a party: Unless otherwise agreed by the parties, where, without showing sufficient cause,-

- (a) the claimant fails to communicate his statement of claim in accordance with sub-section (1) of section 23, the arbitral tribunal shall terminate the proceedings;
- (b) the respondent fails to communicate his statement of defence in accordance with sub-section (1) of section 23, *the arbitral tribunal shall continue the proceedings without treating that failure in itself as an admission of the allegations by the claimant* and shall have the discretion to treat the *right of the respondent to file such statement of defence as having been forfeited.*
- (c) a party fails to appear at an oral hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the arbitral award on the evidence before it.

(emphasis added)

Since the Respondent neither submitted a Response nor sought an extension of time to do so, and keeping in view the timelines prescribed under the INDRP Policy and Rules, the Respondent's right to file a Response was forfeited *vide* Tribunal's order dated 20-06-2025, and the matter was directed to proceed *ex parte*. However, the Respondent was permitted to participate in the proceedings at any subsequent stage, should he so choose. As per Section 25(2) of the Act, failure of the Respondent in filing its Response cannot be treated as an admission of the allegations made by the Complainant in its complaint dated 26-02-2025; hence, the Tribunal is to examine the facts and grounds as stated in the complaint and the documents annexed therewith to adjudicate the issues framed *vide* order dt. 20-06-2025.



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ISSUE NO. 1:

Whether the Complainant is entitled to the relief of transfer of the disputed domain name <facebookvideodownloader.ind.in> from the Respondent?

ANALYSIS AND FINDING:

To decide the Issue No. 1 in the present case, the Paragraph No. 4 of the Policy may be referred which provides as under:

4. **Class of Disputes:** Any Person who considers that a registered domain name conflicts with his/ her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:
- (a) the Registrant's domain name is identical and/ or confusingly similar to a name, trademark or service mark *in which the Complainant has rights*; and
 - (b) the Registrant has *no rights or legitimate interests* in respect of the domain name; and
 - (c) the Registrant's domain name has been *registered or is being used in bad faith*.

(Emphasis added)

Accordingly, for the Complaint to be maintainable under the Policy, the Complainant is required to establish the following:

- 1. That it has rights in a particular name, trademark, or service mark;
- 2. That the Registrant's domain name is identical or confusingly similar to such name, trademark, or service mark;



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3. That the Registrant has no rights or legitimate interests in respect of the domain name; and
4. That the domain name has been registered or is being used in bad faith.

Further, Paragraph 7 of the Policy clarifies the meaning of "bad faith" as referred to in Clause 4(c), as under:

7. **Evidence of Registration and use of Domain Name in Bad Faith:**
For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, *if found by the Arbitrator to be present*, shall be *evidence* of the registration and use of a domain name in bad faith:
 - (a) *circumstances indicating* that the Registrant has registered or acquired the domain name primarily for the purpose of *selling, renting, or otherwise transferring the domain name registration to the Complainant*, who bears the name or is the owner of the trademark or service mark, *or to a competitor of that Complainant*, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or
 - (b) the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or
 - (c) by using the domain name, *the Registrant has intentionally attempted to attract Internet users to the Registrant's website* or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.
(Emphasis added)



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Burden of proof:

The Complainant, to prove its averments made in the complaint, has filed documents as Annexure Nos. 1 to 6. It is to be noted that the present arbitral proceedings shall be guided by the basic principles of the BSA which has come in to force w.e.f. 1st July 2024 while the present complaint is dated 11-03-2025. Section 104 of the BSA provides as under:

104. Burden of proof.- Whoever desires any Court to give judgment as to any legal right or liability *dependent on the existence of facts which he asserts must prove that those facts exist*, and when a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

(Emphasis added)

A reference to Section 105 of the BSA may also be made:

105. On whom burden of proof lies.- The burden of proof in a suitor proceeding lies on that person *who would fail if no evidence at all were given on either side*.

(Emphasis added)

Accordingly, the burden to prove the Issue No. 1 is on the Complainant. Thus, the Tribunal is to examine as to whether the Complainant has been able to discharge his burden. My above view is fortified by the judgment in *Dudh Nath Pandey (dead) by LRs. v. Suresh Chandra Bhattasali (dead) by LRs.* AIR 1986 SC 1509, wherein Hon'ble Supreme Court has categorically held that the plaintiff has to stand on his own strength. Further, in the case of *State of M.P. v. Nomi Singh*, (2015)14 SCC 450, Hon'ble Supreme Court has held as under:



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"10 ...It is settled principle of law that in respect of relief claimed by a plaintiff, he has to stand on his own legs by proving his case. On perusal of the impugned order passed by the High Court, this Court finds that the High Court has wrongly shifted burden of proof on the defendants..."

It is to be noted that in the present case, the Respondent has not filed its Response either admitting or denying the facts as stated in the complaint and/ or the documents filed with the complaint. The Tribunal notes that the Respondent has not denied the claims or engaged with the merits of the dispute in any manner. Hence, I am inclined to examine the complaint and its annexures to determine the Issue No. 1 with regard to the Complainant's right to get the disputed domain transferred from the Respondent without requiring the Complainant to technically prove its case by leading witness.

Entitlement of the Complainant for transfer of the disputed domain:

The issue now is whether the Complainant is entitled to have the disputed domain name transferred on the basis of the facts as stated in the complaint and documents annexed to it.

It is to be noted that the domain name disputes in India are primarily addressed through the lens of trademark law, particularly under the Trade Marks Act, 1999, which provides remedies for trademark infringement and passing off. Although there is no standalone legislation governing domain name disputes, legal principles drawn from trademark jurisprudence are routinely applied to prevent the



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registration and misuse of confusingly similar domain names. A reference can be made to the judgments in the cases of *Satyam Infoway Ltd. vs. Siffynet Solutions Ltd.*, (2004) SCC OnLine SC 638; *Yahoo! Inc. vs. Akash Arora & Anr.* 1999 IAD Delhi 229, 78 (1999) DLT 285 and *Tata Sons Ltd. vs. Manu Kasuri & Ors*, 90 (2001) DLT 659. In the case of *Satyam Infoway Ltd.* (supra), the principal question raised was whether internet domain names were subject to the legal norms applicable to other intellectual properties, such as trademarks. The Hon'ble Supreme Court held as follows:

"25. As far as India is concerned, there is no legislation which explicitly refers to dispute resolution in connection with domain names. But *although the operation of the Trade Marks Act, 1999 itself is not extraterritorial and may not allow for adequate protection of domain names, this does not mean that domain names are not to be legally protected to the extent possible under the laws relating to passing off.*"
(Emphasis added)

Further, in the case of *World Book Inc. vs. World Book Company (P) Ltd.* 215 (2014) DLT 511, Hon'ble High Court of Delhi has laid down as under:

"48. ...So far as the issue of protection of domain names is concerned, the law relating to the passing off is well settled. The principle underlying the action is that no one is entitled to carry on his business in such a way as to lead to the belief that he is carrying on the business of another man or to lead to believe that he is carrying on or has any connection with the business carried by another man. *It is undisputed fact that a domain name serves the same function as the trade mark and is not a mere address or like finding number on the Internet and, therefore, is entitled to equal protection as a trade mark.* A domain name is more than a mere Internet Address for it also identifies the Internet site to those who reach it, much like a person's name identifies a particular person, or as more relevant to trade mark disputes, a company's name identifies a specific company."

(Emphasis added)



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To prove the three conditions as laid down in Clause 4 of the Policy, the Complainant has filed 'Annexure 4', which contains the Complainant's press release "Introducing Meta": A Social Technology Company", together with Meta's Second Quarter 2024 Results, CFO Outlook Commentary, Condensed Consolidated Statement of Income, Balance Sheets, and Statement of Cash Flows of Meta Platforms, Inc., Reconciliation of GAAP to Non-GAAP Results, a screenshot of the Wikipedia page for Meta Platforms, a CNBC news report on the name change from Facebook to Meta, and a Reuters article confirming the same.

The Complainant has placed on record copies of its trademark registrations for the marks "FACEBOOK" and "FB" in multiple jurisdictions. Notably, Indian Trademark Registration No. 1622925 for the word mark "FACEBOOK" was registered on 09-11-2011, and Indian Trademark Registration No. 4337405 for the word mark "FB" was registered on 04-11-2019. These registrations are valid and subsisting. Additionally, the Complainant holds prior registrations in key jurisdictions such as Pakistan (Registration No. 248352 dated 31-03-2008), the United States (Registration No. 3122052 dated 25-07-2006 for FACEBOOK and Registration No. 4659777 dated 23-12-2014 for FB), the European Union (Registration Nos. 005722392 dated 29-04-2008 for FACEBOOK and 008981383 dated 23-08-2011 for FB), as well as an International Registration No. 1075094 dated 16-07-2010 for FACEBOOK. The Complainant's trademarks span multiple classes and have been extensively used in connection with



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its globally recognized social networking services. These registrations demonstrate the Complainant's long-standing and legitimate rights in the marks "FACEBOOK" and "FB" and substantiate its entitlement to protection under the provisions of the Trade Marks Act, 1999. Section 28 of the Trade Marks Act, 1999 provides as under:

28. Rights conferred by registration.—(1) Subject to the other provisions of this Act, *the registration of a trade mark shall, if valid, give to the registered proprietor of the trade mark the exclusive right to the use of the trade mark in relation to the goods or services in respect of which the trade mark is registered* and to obtain relief in respect of infringement of the trade mark in the manner provided by this Act.

xxx

xxx

xxx

Further, Section 31 of the Trade Marks Act, 1999 provides as under:

31. Registration to be *prima facie* evidence of validity.—(1) In all legal proceedings relating to a trade mark registered under this Act (including applications under section 57), *the original registration of the trade mark and of all subsequent assignments and transmissions of the trade mark shall be prima facie evidence of the validity thereof.*

xxx

xxx

xxx

(emphasis added)

Thus, the trademark registration certificates issued by the Trade Marks Registry of the Government of Pakistan, the Government of India, the United States Patent and Trademark Office, the European Union Intellectual Property Office, the World Intellectual Property Organization, and the Controller General of Patents, Designs & Trade Marks, filed by the Complainant as *Annexure 11*, constitute *prima facie* evidence of the validity of the trademarks "FACEBOOK" and "FB".



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Annexure 9 contains WHOIS extracts of multiple domain name registrations held by the Complainant, including <facebook.com>, <facebook.in>, and <facebook.net>. These domains were registered through accredited registrars such as RegistrarSafe, LLC and reflect ongoing active status with expiry dates extending to 2025 and beyond. The WHOIS records demonstrate the Complainant's consistent ownership and control of these domain names since as early as 01-03-1997. Registrant country is listed as United States, and domain statuses such as *clientTransferProhibited* confirm protective measures in place. These details collectively evidence the Complainant's long-standing and *bona fide* use of the FACEBOOK trademark, reinforcing its global recognition and goodwill.

On the other hand, 'Annexure 3' contains the WHOIS extract for the disputed domain name <facebookvideodownloader.ind.in>, which shows that the Respondent first acquired the domain on 28-12-2023, with its registration set to expire on 28-12-2024. The extract includes the Respondent's name, phone number, email ID, and physical address; however, these details are redacted for privacy. Accordingly, the Complaint along with its annexures was served upon the Respondent via email using the available WHOIS contact. The Respondent has neither disputed receipt of the Complaint nor furnished any clarification or updated contact details. In the absence of any response or participation in the present proceedings, and given the non-functional and inactive status of the disputed domain name as on today, it is evident that the Respondent is not making any legitimate use of the domain name. There is also no material on record to indicate that the



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Respondent is commonly known by the disputed domain name, nor that it has made any legitimate non-commercial or fair use thereof. These circumstances cumulatively support the conclusion that the domain was acquired and is being held in bad faith, thereby fulfilling the criteria under Paragraphs 6 and 7 of the Policy.

Further, there is nothing on record to explain why the Respondent acquired this particular domain name. As a result, the criteria prescribed under Clause 6(a) of the Policy are not met, since prior to any notice of the dispute, the Respondent was not offering any goods or services through the disputed domain. Similarly, the criteria under Clause 6(b) of the Policy are not satisfied, as the Respondent is not commonly known by the disputed domain name. In fact, there is nothing on record to show that the Respondent is doing any kind of business. Further, Clause 6(c) of the Policy is also not fulfilled, as the Respondent is not making any use of the disputed domain name - much less a legitimate non-commercial or fair use.

Nonetheless, the Respondent's failure to use the disputed domain name demonstrates a lack of *bona fide* intention in acquiring it. Furthermore, the Respondent has chosen not to appear before this Tribunal to present its position. It is evident that the Respondent has no intention of using the domain except to sell it for profit, which is impermissible under Clause 7(a) of the Policy, which reads as follows:

7. Evidence of Registration and use of Domain Name in Bad Faith:

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



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- (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*

xxx

xxx

xxx

(emphasis added)

In view of the foregoing, this Tribunal is satisfied that the Respondent has registered and is holding the disputed domain name in bad faith.

‘Annexure 17’ contains the WHOIS extracts for the disputed domain name <facebookvideodownloader.ind.in> and five other domain names—<facebookvideodownloader.net.in>, <fbdown.net.in>, <fbdownloader.net.in>, <fbvideodownloader.net.in>, and <fbvideodownloader.ind.in> - all of which were registered by the same Respondent. These extracts were obtained from NIXI pursuant to the Complainant’s filing of multiple INDRP complaints and have been submitted solely for dispute resolution purposes, in compliance with the accompanying Terms and Conditions. The WHOIS records consistently reflect the same registrant name - Malika BZDRR - with a common email ID (malikabzdr@gmail.com), phone number, and physical address in Multan, Punjab, Pakistan. Each of these domain names was registered through Dynadot LLC, shares identical registrar information, and was created on the same date, i.e., 28-12-2023, with expiry on 28-12-2024.



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The following compelling factors support the conclusion that these domain names were systematically registered to target the Complainant's rights:

1. **Pattern of Deliberate Imitation:** The Respondent has registered multiple domain names that incorporate key elements of the Complainant's well-known trademark "Facebook," along with common keywords like "video," "downloader," and "fb," which are directly associated with the Complainant's platform. This pattern reflects an intentional effort to exploit the Complainant's mark and mislead users.
2. **Visual and Conceptual Similarity:** The domain names closely mirror commonly searched terms related to Facebook's services, particularly video downloads, which are often associated with third-party tools misusing the Complainant's brand. Such similarity is likely to cause confusion among average internet users with ordinary intelligence and imperfect recollection.
3. **Typo and Variant-Squatting:** The Respondent has employed subtle variations across the domain names (e.g., using "fb" for "facebook," different extensions like .net.in and .ind.in), which are classic examples of "variant-squatting" - a technique akin to typo-squatting aimed at attracting accidental or misdirected traffic.



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4. **Absence of Legitimate Use:** None of the disputed domain names resolve to active websites offering any legitimate content or services. Nor is there any material on record suggesting that the Respondent is commonly known by any of the domain names or has made non-commercial or fair use of them.
5. **Increased Risk of Confusion Due to Multiple Registrations:** The simultaneous registration of several confusingly similar domain names under one registrant amplifies the risk of public deception and undermines the integrity of the Complainant's trademark.

Accordingly, the Respondent's actions, taken in their entirety, strongly indicate a coordinated effort to misappropriate the Complainant's goodwill and disrupt the online presence of its brand. The Tribunal is satisfied that these registrations lack any *bona fide* intent and have been undertaken in bad faith.

The Hon'ble High Court of Delhi, in the case of *Info Edge (India) Pvt. Ltd. and Anr. vs. Shailesh Gupta and Anr.*, 98 (2002) DLT 499; 2002 (24) PTC 355 (Del.), where the plaintiff was carrying on business under the domain name 'Naukri.com' and the defendant had begun using the domain name 'Naukari.com', held that if two contesting parties are involved in the same area, there is a grave and immense possibility for confusion and deception, and both marks were deceptively similar. Although the element of conducting business in the same area is absent in the present case, I am still of the view that the Respondent



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should not be permitted to acquire domain names that closely resemble well-established trademarks of others. In this regard, Clause 3 of the Policy provides as follows:

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.

(emphasis added)

Thus, the Respondent has violated the above-mentioned undertaking given to the Registrar at the time of applying for the disputed domain name.

As noted above, protection is to be granted under the provisions of the Trade Marks Act, 1999. Section 29 of the said Act provides as follows:

29. Infringement of registered trade marks.—(1) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which is identical with, or deceptively similar to, the trade mark in relation to goods or services in respect of which the trade mark is registered and in such manner as to render the use of the mark likely to be taken as being used as a trade mark.

XXX

XXX

XXX



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The Complainant has successfully established all three elements required under Paragraph 4 of the .IN Domain Name Dispute Resolution Policy (INDRP), namely:

1. The disputed domain name is confusingly similar to the Complainant's well-known and registered trademark "FACEBOOK." The addition of generic or descriptive terms such as "video downloader" and the use of country-code extensions does not dispel the likelihood of confusion. The visual and phonetic similarities, combined with the incorporation of the entire trademark, are sufficient to mislead an average internet user into believing that the domain names are associated with or endorsed by the Complainant.
2. The Respondent has no rights or legitimate interests in the disputed domain names. There is no evidence that the Respondent is commonly known by the domain names, nor that it has made any *bona fide* offering of goods or services under them. The use of domain names incorporating the Complainant's mark to divert users and profit from association with the Complainant's goodwill does not constitute a legitimate or fair use.
3. The domain names were registered and are being used in bad faith. The Respondent has registered at least six domain names that target the Complainant's trademark by including identical or deceptively similar terms. Such a pattern of conduct demonstrates opportunistic bad faith. The fact that the disputed domain names are being used to host services that could mislead users into



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believing they are affiliated with or authorized by the Complainant further supports a finding of bad faith under Paragraph 7 of the Policy.

4. Furthermore, the Complainant has provided sufficient documentary evidence, including Indian trademark registrations, extracts from its global and Indian online presence, and WhoIs records, to establish its longstanding reputation, prior use, and statutory rights in the mark "FACEBOOK." The Respondent has chosen not to file any response or provide any evidence to rebut these claims or assert a legitimate interest. In light of the Respondent's demonstrable pattern of infringing registrations and lack of rebuttal, the Tribunal finds that continued ownership of the domain names by the Respondent would irreparably damage the Complainant's brand equity and mislead unsuspecting users.

Accordingly, and for the reasons and findings set out hereinabove, Issue No. 1 is decided in favour of the Complainant and against the Respondent.

ISSUE NO. 2

Whether the Complainant is entitled to get the costs of the arbitral proceedings from the Respondent? If yes, how much?

ANALYSIS AND FINDING:

As far as the issue of awarding the costs of the arbitral proceedings to the Complainant is concerned, the reference may be made to the Section 31A of the Act which is as under:



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31A. Regime for costs.—(1) In relation to any arbitration proceeding or a proceeding under any of the provisions of this Act pertaining to the arbitration, the Court or arbitral tribunal, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), shall have the discretion to determine—

- (a) whether costs are payable by one party to another;
- (b) the amount of such costs; and
- (c) when such costs are to be paid.

Explanation.—For the purpose of this sub-section, “costs” means reasonable costs relating to—

- (i) the fees and expenses of the arbitrators, Courts and witnesses;
- (ii) legal fees and expenses;
- (iii) any administration fees of the institution supervising the arbitration; and
- (iv) any other expenses incurred in connection with the arbitral or Court proceedings and the arbitral award.

(2) If the Court or arbitral tribunal decides to make an order as to payment of costs,—

(a) *the general rule is that the unsuccessful party shall be ordered to pay the costs of the successful party;* or

(b) the Court or arbitral tribunal may make a different order for reasons to be recorded in writing.

(3) In determining the costs, the Court or arbitral tribunal shall have regard to all the circumstances, including—

(a) *the conduct of all the parties;*

(b) whether a party has succeeded partly in the case;

(c) *whether the party had made a frivolous counterclaim leading to delay in the disposal of the arbitral proceedings;* and

(d) whether any reasonable offer to settle the dispute is made by a party and refused by the other party.

(4) The Court or arbitral tribunal may make any order under this section including the order that a party shall pay—

(a) a proportion of another party’s costs;

(b) a stated amount in respect of another party’s costs;

(c) costs from or until a certain date only;

(d) costs incurred before proceedings have begun;

(e) costs relating to particular steps taken in the proceedings;

(f) costs relating only to a distinct part of the proceedings; and

(g) interest on costs from or until a certain date.

(5) An agreement which has the effect that a party is to pay the whole or part of the costs of the arbitration in any event shall be only valid if such agreement is made after the dispute in question has arisen.

(emphasis added)

Thus, the Tribunal has the discretion to determine whether costs are payable by one party to another, the amount of such costs, and when



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they are to be paid. However, in determining the costs, the arbitral tribunal must take into account all the circumstances as outlined in Section 31A(3) of the Act, which include the conduct of the parties, as well as whether a party made a frivolous counterclaim that caused delay in the disposal of the arbitral proceedings.

The burden of proving Issue No. 2 lies with the Complainant; however, the Complainant has failed to file its *Statement of Costs* along with the requisite supporting documents before the Tribunal, despite the framing of Issue No. 2 for this purpose. The legal maxim *Vigilantibus non dormientibus jura subveniunt*—"The law assists those who are vigilant, not those who sleep over their rights"—is pertinent in this context.

In light of the Complainant's failure to submit its *Statement of Costs*, I am not inclined to award costs in its favour. Accordingly, the Complainant shall bear its own costs in the present arbitral proceedings.

ISSUE NO. 3:

What relief, if any, is the Complainant entitled to?

ANALYSIS AND FINDING:

In light of the foregoing analysis, reasoning, and findings of the Tribunal on Issue Nos. 1 and 2, the prayer for the transfer of the disputed domain name **<facebookvideodownloader.ind.in>** from the Respondent to the Complainant is hereby allowed; however, the prayer



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for the award of costs to the Complainant from the Respondent under
Issue No. 2 is declined.

New Delhi
08-08-2025

Praveen Kumar Jain

(Praveen Kumar Jain)

The Sole Arbitrator

