

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Suresh Nair
Case No. D2023-2747

1. The Parties

Complainants are Meta Platforms, Inc., United States of America (“United States”) and Meta Platforms Technologies, LLC, United States (“Complainant”), represented by Hogan Lovells (Paris) LLP, France.

Respondent is Suresh Nair, United States of America.

2. The Domain Name and Registrar

The disputed domain name <metaquestfoundation.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 27, 2023. On June 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 29, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on July 5, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 10, 2023.

The Center verified that the Complaint, together with the amended Complaint, satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on July 18, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 8, 2023.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on August 10, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and

Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant Meta Platforms, Inc. (“Meta”) is a United States social technology company that operates Facebook, Instagram, Meta Quest, and WhatsApp. Meta was formerly known as Facebook, Inc. and announced its change of name to Meta Platforms on October 28, 2021. Meta’s official page on Facebook has over 78 million “likes” and more than 13 million followers on Twitter.

Complainant Meta Platforms Technologies is a wholly owned subsidiary of Meta and is involved in the manufacture of virtual reality (VR) software and apparatus, which is now sold under the “Meta Quest” name.

Meta is the owner of United States trademark registration no. 5548121 for the mark META, registered on August 28, 2018, and United States trademark registration no. 6279215 for the mark QUEST, registered on February 23, 2021, as used on “virtual and augmented reality headsets and helmets adapted for use in playing video games”.

The disputed domain name, which was registered on February 20, 2022, resolves to a registrar parking page displaying pay-per-click (“PPC”) links.

5. Parties’ Contentions

A. Complainant

Complainant asserts that the disputed domain name is confusingly similar to its marks insofar as it comprises the META and QUEST trademarks as its leading element with the addition of the descriptive term “foundation”.

Complainant further alleges that Respondent has no rights or legitimate interests in respect of the disputed domain name. It points out that Respondent is not licensed or otherwise authorized to use the META and QUEST marks in a domain name, or otherwise.

Complainant contends that Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services. It points out that the disputed domain name resolves to a parking page with PPC links and that “[t]here is no evidence of the Respondent having made any substantive use of the Domain Name” or “any evidence of its demonstrable preparations to use the Domain Name.” There also is no evidence that Respondent is commonly known by the domain name or is making a legitimate noncommercial or fair use of the disputed domain name.

With respect to the issue of “bad faith” registration and use, Complainant indicates that it has received much media attention in relation to the success of its VR products and well as the change of name of its products to “Meta Quest” and that this publicity regarding the name change took place prior to registration of the disputed domain name. Complainant argues that “[t]he Respondent could not credibly argue that it did not have knowledge of the META and QUEST trade marks when it registered the Domain Name.”

Complainant also argues that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. It maintains that the passive holding doctrine should be applied in this case because the META and QUEST marks are well known in connection with its VR software; that, despite its efforts to contact Respondent, Respondent has not come forth with any response or evidence of any *bona fide* intent in relation to the disputed domain name; and that Respondent, through its use of a privacy service, attempted to conceal its identity.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to the META and QUEST marks. As Complainant argues, the disputed domain name incorporates the META and QUEST marks in full, adding only the term "foundation," which does not prevent a finding of confusing similarity.

The Panel further finds that Complainant, through its ownership of trademark registrations for the META and QUEST marks, has rights in such marks.

B. Rights or Legitimate Interests

The Panel determines that Complainant has met its burden of proving that Respondent has no rights or legitimate interests in the disputed domain name. The evidence indicates that the disputed domain name resolves to a parking page with PPC links. As such, it cannot be found that the disputed domain name is being used in connection with a *bona fide* offering of goods or services or for a legitimate noncommercial or fair use.

C. Registered and Used in Bad Faith

The Panel holds that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered after it was publicly and widely announced that Complainant's VR product would be renamed to "Meta Quest".

The Panel finds that the use of the disputed domain name to resolve to a parking page displaying PPC links is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <metaquestfoundation.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: August 23, 2023