

## **ADMINISTRATIVE PANEL DECISION**

### **Meta Platforms, Inc. and Meta Platforms Technologies, LLC v. ying huey Case No. D2022-5015**

#### **1. The Parties**

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

The Respondent is ying huey, China.

#### **2. The Domain Names and Registrar**

The disputed domain names <metaquest.archi>, <metaquest.bet>, <metaquest.bio>, <metaquest.bond>, <metaquest.casa>, <metaquest.cfd>, <metaquest.fashion>, <metaquest.garden>, <metaquest.makeup>, <metaquest.page>, <metaquest.sbs>, <metaquest.tel> and <metaquest.uno> are registered with Dynadot, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 28, 2022, including the disputed domain names and five additional domain names. On December 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 29, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On January 13, 2023, the Complainant filed an amended Complaint and a request to withdraw five domain names with different underlying registrant details from the Complaint.

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 the Respondent of the Complaint, and the proceedings commenced on January 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2023. The Respondent sent informal communication to the

Complainants on January 18, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified the Respondent's default on February 10, 2023.

The Center appointed Mihaela Maravela as the sole panelist in this matter on February 17, 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.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

#### **4. Factual Background**

According to information in the Complaint, the Complainant Meta Platforms, Inc. (the "First Complainant") is a United States social technology company, and operates, *inter alia*, Facebook, Instagram, Meta Quest (formerly Oculus), Portal, and WhatsApp. The First Complainant, formerly known as Facebook Inc., announced its change of name to Meta Platforms Inc. on October 28, 2021, and this was publicized worldwide. The Complainant Meta Platforms Technologies, LLC (the "Second Complainant") is the intellectual property rights holder for various technologies owned by the First Complainant. The Second Complainant is a distributor of various virtual reality ("VR") headsets, (including the "Meta Quest" VR headsets).

The Complainants own many trademark registrations for META and QUEST respectively, including the following:

- the United States trademark registration for META, registered under No. 5,548,121 as of August 28, 2018;
- the European Union trademark registration for QUEST, registered under No. 017961685 as of June 16, 2020.

The disputed domain names <metaquest.bond>, <metaquest.cfd> and <metaquest.sbs> were registered on January 31, 2022, the disputed domain names <metaquest.bet>, <metaquest.bio>, <metaquest.casa>, <metaquest.fashion>, <metaquest.garden>, <metaquest.makeup>, <metaquest.page>, <metaquest.tel> and <metaquest.uno> were registered on February 1, 2022 and the disputed domain name <metaquest.archi> was registered on February 2, 2022. The disputed domain names were listed for sale at the date of the Complaint.

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants argue that they own numerous trademark registrations for META and QUEST in jurisdictions throughout the world and have therefore established trademark rights in META and QUEST for purposes of paragraph 4(a)(i) of the Policy. In addition, the Complainants submit that the inclusion of the META and QUEST trademarks in the disputed domain names in their entirety is sufficient to establish confusing similarity between the disputed domain names and the Complainants' trademarks.

With respect to the second element, the Complainants argue that the Respondent is not a licensee of the Complainants. The Respondent is not affiliated with the Complainants in any way. The Complainants have not granted any authorization for the Respondent to make use of its META and QUEST trademarks, in a domain name or otherwise. The disputed domain names resolve to parking pages that list the respective domain names for sale. The Complainants submit that merely parking a domain name for sale does not

amount to a *bona fide* offering of goods or services and does not give rise to rights or legitimate interests. Nor is there any evidence of the Respondent having made demonstrable preparations to use the disputed domain names in connection with a *bona fide* offering of goods or services. In addition, there is no evidence to suggest that the Respondent is commonly known by the disputed domain names.

As regards the third element, the Complainants argue they have received substantial media attention (including the Chinese press) in relation to the success and popularity of their VR products as well as the change of the Complainants' product name from "Oculus Quest" to "Meta Quest". All the disputed domain names were registered subsequent to the Complainants' rebranding from "Oculus Quest" to "Meta". The trademarks META and QUEST form a distinctive combination that is readily associated with the Complainants. As such, the Complainants submit that the Respondent could not credibly argue that it did not have knowledge of the Complainants' META and QUEST trademarks when registering the disputed domain names.

Given that the Respondent has listed each of the disputed domain names for sale, the Complainants infer that the Respondent registered the disputed domain names opportunistically, primarily for the purpose of selling, renting, or otherwise transferring the disputed domain names to the Complainants, or to a competitor of the Complainants, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain names, in bad faith pursuant to paragraph 4(b)(i) of the Policy. The Complainants further submit that by registering 13 domain names, each comprising the Complainants' META and QUEST trademarks in their entirety, without further addition, the Respondent has engaged in an abusive pattern of registration preventing the Complainants from reflecting their trademarks in corresponding domain names, in bad faith pursuant to paragraph 4(b)(ii) of the Policy. Finally, the Respondent's failure to reply to the Complainants' pre-Complaint notice may also be considered an additional indicator of the Respondent's bad faith.

## **B. Respondent**

The Respondent did not formally reply to the Complainants' contentions. In an informal communication with the Complainants, the Respondent indicated he is "willing to transfer the mentioned domains to your side before they expired. Meanwhile I wish I can get compensation of registration fees (around USD 500 in total). [...]". The Complainants were not willing to explore settlement options.

## **6. Discussion and Findings**

### **6.1. Multiple Complainants**

The Complainants argue that the consolidation of multiple complainants is appropriate in the present proceeding, and would not have any unfairly prejudicial effect on the Respondent. The Complainants contend that the Second Complainant, the owner of trademark registrations for QUEST, is a wholly-owned subsidiary of the First Complainant, the owner of trademark registrations for META. As such, the two entities have a sufficient common legal interest in the META and QUEST trademarks included in the disputed domain names to file a joint Complaint. In addition, the Complainants have been the target of common conduct by the Respondent, who has engaged in bad faith registration and use of the disputed domain names comprising their trademarks.

According to section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "[when] assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation".

The Second Complainant is a wholly owned subsidiary of the First Complainant; hence the co-Complainants have a common grievance against the Respondent, as they share common interests. In the circumstances, and absence of any objection on behalf of the Respondent, the Panel accepts the single consolidated Complaint against the Respondent, which it finds fair and equitable to all the parties and will accept both Complainants as party to the proceedings.

## **6.2. Substantive matters**

No substantive response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainants as per paragraph 15(a) of the Rules.

Paragraph 4(a) of the Policy directs that the Complainants must prove each of the following elements:

- (i) that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that the disputed domain names were registered and are being used in bad faith.

### **A. Identical or Confusingly Similar**

The Panel accepts that the Complainants have proved rights over the META and QUEST trademarks. Further, noting in particular the global nature of the Internet and Domain Name System, the jurisdiction(s) where the trademark is valid is not considered relevant to panel assessment under the first element. See [WIPO Overview 3.0](#), section 1.1.2.

The disputed domain names consist of the trademarks META and QUEST in their entirety. It is well accepted by UDRP panels that a generic Top Level Domain (“gTLD”) is typically ignored when assessing whether a domain name is identical or confusing similar to a trademark. See section 1.11 of the [WIPO Overview 3.0](#).

This Panel concludes that the disputed domain names are identical or confusingly similar to the Complainants’ trademarks and therefore finds that the Complainants have satisfied the standing requirement under paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, the Complainants have the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

As established by previous UDRP panels, it is sufficient for the Complainants to make a *prima facie* case demonstrating that the Respondent has no rights or legitimate interests in the disputed domain names in order to place the burden of production on the Respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Complainants have established a *prima facie* case that they hold rights over the META and QUEST trademarks and claim that the Respondent has no legitimate reason to acquire and use the disputed domain names. There is no evidence that the Respondent is using the disputed domain names in connection with a *bona fide* offering of goods or services. On the contrary, as the Complainants demonstrated, the disputed domain names resolved to pages where they were being offered for sale, which in the circumstances of the case cannot amount to rights or legitimate interests in the disputed domain names. Furthermore, the nature of the disputed domain names, comprising the Complainants’ trademark in

its entirety, cannot be considered fair as it falsely suggests an affiliation with the Complainants that does not exist (see section 2.5 of the [WIPO Overview 3.0](#)).

Also, there is no evidence that the Respondent is commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy.

The Panel considers that the Complainants have made a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent has failed to bring evidence to the contrary.

With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

### **C. Registered and Used in Bad Faith**

According to paragraph 4(a)(iii) of the Policy, the Complainants must establish that the disputed domain names have been registered and are being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, “in particular but without limitation”, be evidence of the disputed domain names’ registration and use in bad faith.

The Complainants’ registration and use of the relevant trademarks predate the date at which the Respondent registered the disputed domain names. The Respondent has not denied knowledge of the Complainants. Under these circumstances, and also given the distinctiveness of the Complainants’ trademarks, as well as the combined use of the Complainants’ trademarks in the disputed domain names, it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainants’ trademarks, and to target those trademarks. In this respect, the Panel agrees with the Complainants that when combined, the trademarks META and QUEST form a distinctive combination that is readily associated with the Complainants.

The Complainants have proved that the disputed domain names were being offered for sale. This, in view of the finding that the Respondent has no right to or legitimate interest in the disputed domain names, given also the distinctiveness of the Complainants’ trademarks and the failure of the Respondent to present a credible rationale for registering the disputed domain names appears to signal an intention on the part of the Respondent to derive commercial gain from the resale of the disputed domain names riding on the reputation of the Complainants’ trademarks. The circumstances referred to in paragraph 4(b)(i) of the Policy are applicable.

In addition, the Respondent registered thirteen trademark abusive disputed domain names targeting the First Complainant and the Second Complainant within a short period of time. In view of section 3.1.2 of the [WIPO Overview 3.0](#) (according to which a pattern of abuse has also been found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners), the Panel considers such actions as a pattern of conduct preventing the Complainants to reflect their trademarks in corresponding domain names, which is further indication of bad faith under paragraph 4(b)(ii) of the Policy.

Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainants’ contentions and to provide any evidence of actual or contemplated good-faith use and indeed none would seem plausible.

In the Panel’s view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain names. The Respondent failed to bring evidence as to the contrary. Consequently, the Panel concludes that the condition of paragraph 4(a)(iii) of the Policy is fulfilled.

## 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, <metaquest.archi> be cancelled and the disputed domain names <metaquest.bet>, <metaquest.bio>, <metaquest.bond>, <metaquest.casa>, <metaquest.cfd>, <metaquest.fashion>, <metaquest.garden>, <metaquest.makeup>, <metaquest.page>, <metaquest.sbs>, <metaquest.tel> and <metaquest.uno> be transferred to the First Complainant., Meta Platforms, Inc.

/Mihaela Maravela/

**Mihaela Maravela**

Sole Panelist

Date: March 3, 2023