

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Александр Саратов
Case No. D2022-4691

1. The Parties

The Complainant is Meta Platforms, Inc., United States of America (“United States”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Александр Саратов, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <metacoin.team> 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 December 6, 2022. On December 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 9, 2022, 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 the Complainant on December 13, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 20, 2022.

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 December 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 17, 2023.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on January 23, 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

The Complainant is a social technology company, based in the United States. Among other products and services, the Complainant operates Facebook, Instagram, Meta Quest, Portal, and WhatsApp. The Complainant is also active in the cryptocurrency field.

Formerly known as Facebook Inc., the Complainant changed its name and launched the META brand on October 28, 2021. Numerous media articles reported the launch.

The Complainant is the owner of the following trademark registration for META, among others:

- United States Registration No. 5548121, registered on August 28, 2018 in classes 35 and 42, and assigned to the Complainant on October 26, 2021.

The Complainant is the owner of various domain names containing the mark META, including <meta.com>, <meta.new>, and <meta.day>.

The disputed domain name was registered on October 29, 2021. The disputed domain name used to resolve to an “under construction” website reproducing the Complainant’s trademark and logo. At the time of filing of the Complaint, the disputed domain name redirected Internet users to a parking page with sponsored pay-per-click (“PPC”) links.

5. Parties’ Contentions

A. Complainant

According to the Complainant, the disputed domain name is confusingly similar to its META registered trademark as it captures the entirety of its trademark with the mere adjunction of the term “coin”.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name for the following reasons: (i) the disputed domain name resolves to a parking page, which confirms that the Respondent has failed to use the disputed domain name for a *bona fide* offering of goods and services. Furthermore, according to the Complainant, before redirecting users to a parking page, the disputed domain name was used by the Respondent in an attempt to impersonate the Complainant in the furtherance of a fraudulent cryptocurrency scheme targeting the Complainant’s users; (ii) the Respondent is not commonly known by the disputed domain name; (iii) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Finally, the Complainant contends that the Respondent has used and registered the disputed domain name in bad faith. Considering the fact that the disputed domain name used to resolve to a website displaying the Complainant’s logo, the Respondent was aware of the existence of the Complainant and of its trademark when it registered the disputed domain name. According to the Complainant, the Respondent used the disputed domain name with the intent to create a misleading impression of association with the Complainant in the furtherance of a proposed fraudulent cryptocurrency scheme. The Respondent has therefore intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark, a behavior amounting to registration and use in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name registered by the respondent has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name reproduces the Complainant's trademark META in its entirety with no alteration, and combines this trademark with the term "coin".

UDRP panels consider that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element of paragraph 4(a) of the Policy (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

In the present case, the trademark META is clearly recognizable in the disputed domain name. The mere addition of the term "coin" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

UDRP panels accept that a generic Top-Level Domain ("gTLD"), such as ".team", may be disregarded when assessing whether a domain name is identical or confusing similar to a trademark (see [WIPO Overview 3.0](#), section 1.11).

The Complainant has satisfied the condition set forth in paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has failed to file a response.

Based on the information submitted by the Complainant, the Respondent does not appear to have rights or legitimate interests in respect of the disputed domain name, nor has the Complainant granted to the Respondent any authorization to use its trademark in the disputed domain name.

No evidence suggests that the Respondent was using or was making demonstrable preparations to use the disputed domain name in connection with any type of *bona fide* offering of goods or services. Instead, based on the evidence provided by the Complainant, it appears that the Respondent used the disputed domain name to redirect Internet users to an "under construction" website displaying the Complainant's META trademark and logo and allegedly offering cryptocurrency related services. Such use further supports the apparent lack of rights or legitimate interests of the Respondent in the disputed domain name. Indeed, impersonating the Complainant or suggesting the existence of a link with it, where none exists, can hardly be a legitimate or fair use.

Additionally, at the time of filing of the Complaint, the Respondent used the disputed domain name in connection with a website containing PPC links to third-party websites. Applying UDRP paragraph 4(c), UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark, or otherwise mislead Internet users (see section 2.9 of the [WIPO Overview 3.0](#)).

Furthermore, the composition of the disputed domain name carries a risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1), as the Complainant has activities in the field of cryptocurrencies (to which the term "coin" may allude).

Accordingly, the Respondent's use of the disputed domain name does not constitute *bona fide* offering of goods and services.

Finally, the Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b). The Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Panel finds that the Respondent's silence corroborates the Complainant's *prima facie* case.

Accordingly, the Panel rules that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Complainant has satisfied the condition set out in paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Given that the Respondent used the Complainant's logo on his website, the Panel accepts that the Respondent was aware of the existence of the Complainant and of its META trademark at the time of the registration of the disputed domain name. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The fact that the Respondent registered the disputed domain name one day after the launch of the META brand was announced in the media is further evidence that the Respondent registered the disputed domain name in bad faith.

Under paragraph 4(b)(iv) of the Policy, the use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of a web site or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith.

The Respondent used the disputed domain name to redirect to a website displaying the Complainant's logo and allegedly offering cryptocurrency related services. Such use was apt to create the false impression that the Respondent's website was operated or endorsed by the Complainant. Such use of the disputed domain name was likely to mislead Internet users into believing that the website at issue was an official website of the Complainant, for the commercial gain of the Respondent. This amounts to use in bad faith according to Paragraph 4(b)(iv) of the Policy.

In addition, the subsequent presence of sponsored PPC links to third party websites on the page to which the disputed domain name resolves supports a finding of use in bad faith. Indeed, the redirection to a webpage with sponsored links suggests an intention on the part of the Respondent to exploit and profit from the Complainant's trademark, by attempting to generate financial gains by means of "click through" revenues. Such conduct constitutes bad faith registration and use of the disputed domain name within the meaning of paragraph 4(b)(iv) of the Policy (see *F. Hoffmann-La Roche AG v. James Lee*, WIPO Case No. [D2009-1199](#); *Scania CV AB v. Michael Montrief*, WIPO Case No. [D2009-1149](#); *Aspen Holdings Inc. v. Rick Natsch, Potrero Media Corporation*, WIPO Case No. [D2009-0776](#); and *AllianceBernstein LP v. Texas International Property Associates*, WIPO Case No. [D2008-1230](#)).

For the reasons set out above, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith, and that the Complainant has satisfied the condition set forth in paragraph 4(a)(iii) 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 <metacoïn.team> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: February 7, 2023