

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. محمد حنفي, Ahmed Mansour, Montaser Mena, Mena Morko, Sara Salah and Mohamed Salah

Case No. D2023-0143

1. The Parties

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

The First Respondent is Ahmed Mansour, Egypt.

The Second Respondent is محمد حنفي, (Muhammad Hanafi), Egypt.

The Third Respondent is Montaser Mena, Egypt.

The Fourth Respondent is Mena Morko, Egypt.

The Fifth Respondent is Sara Salah, Egypt.

The Sixth Respondent is Mohamed Salah, Egypt.

2. The Domain Names and Registrars

The disputed domain names <investmetacoin.com>, <metacoinfb.trade>, <metacoin-ico.trade>, <metacoin-presale.com>, <metacoinwallet.trade>, <metatokenmetaverse.win>, and <metatoken.trade> are registered with CloudFlare, Inc. (the “First Registrar”).

The disputed domain name <metacoin-ico.live> is registered with GoDaddy.com, LLC (the “Second Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 11, 2023. On January 12, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On January 13, 2023 and February 6, 2023, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents and contact information in the

Complaint. The Center sent an email communication to the Complainant on February 9, 2023 providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on February 20, 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 the Respondents of the Complaint, and the proceedings commenced on February 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on March 14, 2023. On March 23, 2023, the Notification of Complaint and Commencement of Administrative Proceeding was resent including the Registrar confirmed email for the disputed domain name <metacoin-presale.com>. The due date for Response was March 28, 2023. The Respondents did not submit any response. The Center re-notified the Respondents' default on March 29, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 4, 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 United States social technology company that operates, *inter alia*, Facebook, Instagram and WhatsApp. The Complainant's Facebook platform was founded in 2004 and today is one of the leading providers of online social media and social networking services, being its <facebook.com> website and application ("app") constantly ranked amongst the most visited websites and most downloaded apps in the world.

The Complainant's Facebook social network is commonly referred to as "FB" (as can be seen in international publications such as The New York Times, "Generation FB", dated June 23, 2011). In addition, the Complainant was traded under the NASDAQ stock ticker "FB" until June 2022.

In 2017, the Complainant first became engaged in developing blockchain technology. In May 2019, reports began that the Complainant was planning to develop a cryptocurrency. The Complainant formally announced the planned development of a new cryptocurrency on June 18, 2019 under the name "Libra", as well as the creation of an independent body called the Libra Association, of which the Complainant was one of the founding Members.

The Complainant is the owner, amongst others, of the following trademark registrations (Annex 18 to the Complaint):

- United States trademark registration No. 5,548,121 for META, filed on December 17, 2015, registered on August 28, 2018; assigned to the Complainant on October 26, 2021; and
- United States Trademark Registration No. 4,659,777 for FB, registered on December 23, 2014.

The disputed domain names are the following:

Disputed Domain Name	Registration Date	Present use
<investmetacoin.com>	May 29, 2022	No active website.
<metacoinfb.trade>	June 14, 2022	Browser display a warning message of suspected phishing website.
<metacoin-ico.trade>	April 22, 2022	No active website.
<metacoin-presale.com>	June 14, 2022	Browser display a warning message of suspected phishing website.
<metacoinwallet.trade>	July 1, 2022	No active website.
<metatokenmetaverse.win>	May 29, 2022	No active website.
<metatoken.trade>	April 18, 2022	No active website.
<metacoin-ico.live>	April 17, 2022	No active website.

The disputed domain names <metacoinwallet.trade>, <metacoinfb.trade>, <metatokenmetaverse.win>, <metacoin-ico.trade>, <metatoken.trade> and <metacoin-ico.live> previously resolved to websites impersonating the Complainant, purportedly offering the pre-sale of “Meta Coin” or “Meta Token” fictitious cryptocurrencies advertised to be used in connection with the Complainant’s social network (Annex 3 to the Complaint).

The disputed domain name <metacoin-presale.com> previously pointed to a website promoting “Twitcoin”, a fictitious Twitter-related cryptocurrency (Annex 19 to the Complaint).

5. Parties’ Contentions

A. Complainant

The Complainant asserts to be one of the world’s leading providers of online social networking services and applications, counting its Facebook social network with approximately 2.96 billion monthly active users and 1.98 billion daily active users on average worldwide (as of September 30, 2022).

The Complainant submits that the disputed domain names are subject to common control by either the same person or connected parties and for reasons of fairness, equity and efficiency, the Complainant requests consolidation of the Respondents to the same Complaint, given that: i) except for the disputed domain names <metacoin-presale.com> and <investmetacoin.com>, all of the disputed domain names previously resolved to similar websites with the same contents intended to impersonate the Complainant, with a view to engaging in a fraudulent advance-fee cryptocurrency scheme (Annex 3 to the Complaint); ii) at the time of submission of the Complaint, none of the disputed domain names resolved to an active website; iii) all of the disputed domain names (with the exception of <metacoin-ico.live>) have been registered with the same Registrar (Cloudflare, Inc.); iv) all of the disputed domain names list the registrant as being located in Egypt and use incomplete or inaccurate information (not providing an actual street name or number, for instance); v) all of the disputed domain names were registered within three months, between April 17, 2022 and July 1, 2022; and vii) share a similar naming pattern (*i.e.*, the Complainant’s trademark + descriptive terms relating to cryptocurrency).

Moreover, the Complainant asserts that the Respondents have no rights or legitimate interests in respect of the disputed domain names given that:

- (a) the Respondents are not licensees of the Complainant, nor are they affiliated with the Complainant in any way or have the Complainant granted any authorization for the use of the Complainant’s META and FB trademarks in a domain name or otherwise;
- (b) the Respondents have not used the disputed domain names in connection with a *bona fide* offering of goods or services in accordance with paragraph 4(c)(i) of the Policy nor have the disputed domain

names been used for legitimate noncommercial or fair use purpose in accordance with paragraph 4(c)(iii) of the Policy given the past use of part of the disputed domain names in connection with a fraudulent advance-fee cryptocurrency scheme using the Complainant's trademarks, and the present inactive use of all of the disputed domain names;

- (c) the Respondents cannot credibly claim to be commonly known by the disputed domain names, or a name corresponding to the disputed domain names; and
- (d) the Respondents are not making a legitimate noncommercial or fair use of the disputed domain names.

As to the registration of the disputed domain names in bad faith, the Complainant asserts that the Respondents knew or should have known of the Complainant's trademark rights at the time of the registration of the disputed domain names considering that it has acquired considerable reputation and goodwill worldwide. Further, the Respondents' intent to target the Complainant can easily be inferred from the fraudulent scheme aimed at misleading prospective users of the Complainant's services into making cryptocurrency payments to the Respondents by impersonating the Complainant, in spite of the present passive holding of the disputed domain names.

B. Respondents

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

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

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain names.

Before turning to these questions, however, the Panel needs to address the issue of the consolidation of the Respondents.

A. Consolidation of Multiple Respondents

The Complainant requests that this Panel accept the Respondents in a single proceeding in view of the facts enumerated at the section 5.A. above.

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") establishes that "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario".

All of the aforementioned criteria are present in this case and therefore this Panel accepts such request considering that it would be more procedurally efficient to have all of the disputed domain names dealt with at the same procedure, given that: (a) six of the eight disputed domain names previously resolved to similar websites with the same contents intended to impersonate the Complainant; (b) none of the disputed domain

names presently resolves to an active website; (c) seven of the eight the disputed domain names have been registered with the First Registrar; (d) all of the disputed domain names list registrants located in Egypt and use incomplete or inaccurate information; (e) all of the disputed domain names were registered within three months, and (f) sharing a similar naming pattern.

This Panel is satisfied, in view of the evidence submitted and on the balance of probabilities that the disputed domain names are indeed subject to a common control and that consolidation would be fair and equitable to all Parties.

B. Identical or Confusingly Similar

The Complainant has established its rights in the META and FB trademarks.

The Panel finds that the disputed domain names reproduce the Complainant's trademarks in their entirety. The addition of the terms "invest", "coin", "ico", "presale", "wallet", "token" and "metaverse", as well as hyphens, does not avoid a finding of confusing similarity under the Policy which, as recognized by past UDRP panels, involves a "comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name". See [WIPO Overview 3.0](#), section 1.7.

The first element of the Policy has therefore been established.

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a nonexclusive list of circumstances that may indicate the Respondents' rights to or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondents' use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondents (as individuals, businesses, or other organizations) have been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondents are making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel notes that the Complainant has made out a *prima facie* case that the Respondents lack rights or legitimate interests in the disputed domain names. The burden of production has therefore shifted to the Respondents to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests.

The Respondents, in not responding to the Complaint, have failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

As seen above, six of the eight disputed domain names were previously used in connection with a fraudulent scheme aimed at misleading prospective users of the Complainant's services into making cryptocurrency payments to the Respondents by impersonating the Complainant, and all of the disputed domain names are currently inactive. Indeed such use cannot be considered here a *bona fide* offering of goods or services nor legitimate noncommercial or fair use under the Policy. Further, there is no evidence on record showing that the Respondents have been commonly known by the disputed domain names.

Therefore, the Panel finds that the Respondents lack rights or legitimate interests in the disputed domain names. The second element of the Policy has also been met.

D. Registered and Used in Bad Faith

The Policy indicates in paragraph 4(b)(iv) that bad faith registration and use can be found in respect of the disputed domain name, where a respondent has intentionally attempted to attract, for commercial gain, Internet users to the website or other online location, by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In this case, the use of the disputed domain names in connection with the fraudulent scheme described above with the attempt to impersonate the Complainant, characterizes the Respondents' likely intent of commercial gain by profiting from the notoriety of the Complainant's META and FB trademarks.

For the reasons above, the Panel finds that the Respondents have registered and used the disputed domain names in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Further, the Panel finds that the current non-use of the disputed domain names pointing to error pages or phishing risk alerts does not prevent a finding of bad faith.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the disputed domain names were registered and are being used in bad faith. The third element of the Policy has therefore been met.

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 names <investmetacoin.com>, <metacoinfb.trade>, <metacoin-ico.live>, <metacoin-ico.trade>, <metacoin-presale.com>, <metacoinwallet.trade>, <metatokenmetaverse.win> and <metatoken.trade> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: April 18, 2023