

## ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Nguyen Tien Tung  
Case No. D2024-4438

### 1. The Parties

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

The Respondent is Nguyen Tien Tung, Viet Nam.

### 2. The Domain Name and Registrar

The disputed domain name <metashop24h.com> is registered with P.A. Viet Nam Company Limited (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on October 29, 2024. On October 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 1, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On November 1, 2024, the Center informed the Parties in Vietnamese and English, that the language of the Registration Agreement for the disputed domain name is Vietnamese. On the same day, the Complainant confirmed its request that English be the language of the proceedings. The Respondent did not submit any comment on the Complainant's submission.

The Center verified that the 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 in Vietnamese and English of the Complaint, and the proceedings commenced on November 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 2, 2024. The

Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2024.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on December 13, 2024. 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 in these proceedings is Meta Platforms, Inc. (formerly Facebook, Inc.), a United States of America corporation. The Complainant is a technology company, and operates, inter alia, Facebook, Instagram, Meta Quest (formerly Oculus) and WhatsApp. Founded in 2004, the Complainant's Facebook platform ("Facebook") is a leading provider of online social media and social networking services. Facebook's social networking services are provided in more than 70 languages. In addition, Facebook is also available for mobile devices, and in recent years has consistently ranked amongst the top applications in the market. Facebook had 2.27 billion monthly active users by September 2018 and 2.93 billion by June 2022. Today, Facebook has over 3.07 billion monthly active users.

The Complainant owns numerous trademark registrations corresponding and/or including META.

The Complainant is, inter alia, the owner of:

United States of America trademark registration number 5548121, for the META (word) trademark registered on August 28, 2018;

European Union Trademark registration number 018686894, for the META (word) trademark registered on July 14, 2023;

Monaco trademark registration number 2200039 for the META (word) trademark registered on February 8, 2022.

In addition, the Complainant is the holder of numerous domain names consisting of or including its META trademark, registered under various generic Top-Level Domains ("gTLDs") as well as under a number of country-code Top-Level Domains, including: <meta.com> (registered on January 21, 1991), <workplacefrommeta.com> (registered on October 20, 2021), <facebookfrommeta.com> (registered on October 28, 2021) and <instagramfrommeta.com> (registered on October 28, 2021).

The Complainant has also established a strong social media presence online by being active on various social-media platforms.

The disputed domain name was registered on January 11, 2024.

Currently the disputed domain name is inactive. From submissions provided by the Complainant, it appears that previously (at least on October 29, 2024), the disputed domain name resolved to a website in Vietnamese that featured a dynamic version of the Complainant's Meta logo while the page was loading. Once loaded, the website featured a different logo (i.e. "Metashop24h market metaverse" and device), which, according to the Complainant, has a similar shape and uses a similar blue colour scheme to the Complainant's Meta logo. This website was offering for sale cloned or fake Facebook accounts in various countries, including in the United States of America and Viet Nam, for prices varying between VND 300 and VND 200,000. To purchase such cloned or fake versions of existing Facebook accounts, Internet users were prompted to "Log in" or "Register" for a Metashop24h account. The Respondent's website also purported to offer for sale cloned or fake accounts on the third-party platforms Twitter and TikTok.

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the addition of the term “shop24h”, does not prevent a finding of confusing similarity with the Complainant’s META trademark, which remains clearly recognizable in the disputed domain name; that previous UDRP panels have repeatedly recognized the strength and renown of the Complainant’s META trademark and ordered the transfer of disputed domain names containing the META trademark to the Complainant. In addition, the Complainant affirms that the disputed domain name resolves to a website titled “Metashop24h” that purports to offer for sale cloned or fake Facebook accounts in various countries; that the disputed domain name was registered in the name of “Nguyen Tien Tung”, which does not bear any resemblance to the disputed domain name, and that to the best of the Complainant’s knowledge, there is no evidence of the Respondent having acquired or applied for any trademark registrations for “meta”, “metashop24h”, or any variation thereof. Finally, the Complainant affirms that previous UDRP panels have found that the unauthorized offering for sale of cloned or fake Facebook accounts or the creation of fake social media accounts for other purposes, such as to sell likes and followers, constitutes use of a domain name in bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Procedural Matter: Language of Proceedings**

The language of the Registration Agreement for the disputed domain name is Vietnamese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that

- (i) The disputed domain name incorporates the English term “shop” and the English abbreviation “24h” for “24-hour”.
- (ii) Although the language of the Respondent’s website is Vietnamese, the website also offers English as a language option in the left-hand task bar.
- (iii) The logo of the Respondent’s website features the English wording “Metashop24h market metaverse”, with “24h” being a well-known English abbreviation for “24-hour”.
- (iv) It would be disproportionate to require the Complainant to translate and submit the present Complaint in Vietnamese as this would result in additional expenses and unnecessary delay for the Complainant.

The Respondent did not make any submissions with respect to the language of the proceedings.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

## **6.2 Substantive Matters**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

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

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "shop" and "24h", 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The composition of the disputed domain name together with its use to offer for sale cloned or fake accounts for the Complainant's Facebook platform indicates the Respondent's intention to target the Complainant and to mislead Internet users who are searching for information or services provided by the Complainant.

The Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent was aware of the Complainant's trademark registrations and rights to the META trademarks when it registered the disputed domain name.

The disputed domain name was registered several years after the Complainant's trademarks were registered. In addition, owing to the substantial presence established worldwide and on the Internet by the Complainant, and considering the composition and the use made by the Respondent of the disputed domain name, it is inconceivable that the Respondent was not aware of the existence of the Complainant, or of the Complainant's trademarks, when registering the disputed domain name.

In fact, the Respondent's intention to target the Complainant is also shown by the Respondent's previous use on its website of a dynamic version of the Complainant's Meta logo while the page was being loaded.

Prior UDRP panels have repeatedly recognized the strength and renown of the Complainant's META and FACEBOOK trademarks. In fact, these are not common or descriptive terms, but renowned trademarks in the world.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the META and FACEBOOK trademarks.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The content of the Respondent's website, which made explicit reference to the Complainant's Facebook platform while offering for sale fake or cloned Facebook accounts, is a clear inference that the Respondent intended to target the Complainant when registering the disputed domain name, and this constitutes use of a domain name in bad faith.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name and its previous use, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <metashop24h.com> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: December 27, 2024