

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Yasin Kuzu
Case No. D2022-4052

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 Yasin Kuzu, Türkiye.

2. The Domain Names and Registrars

The disputed domain names <metasupportforms.com> and <metasupportforms.xyz> are registered with Nics Telekomunikasyon A.S.

The disputed domain name <metasupportforms.click> is registered with Isimtescil Bilişim A.Ş. (jointly referred as the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2022. On October 28, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On October 31, 2022, the Registrars transmitted by email to the Center their verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center sent an email communication in English and Turkish to the parties on November 1, 2022, regarding the language of the proceeding, as the Complaint has been submitted in English and the language of the registration agreement for the disputed domain names is Turkish. The Complainant sent an email to the Center requesting English to be the language of the proceeding on November 1, 2022. The Respondent did not comment on the language of the proceeding.

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 of the Complaint in both English and Turkish, and the proceedings commenced on November 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 28, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 30, 2022.

The Center appointed Kaya Köklü as the sole panelist in this matter on December 5, 2022. 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 media technology company with its registered seat in the United States. Among others, the Complainant operates the internationally well-known online platforms and networks Facebook, Instagram and WhatsApp. It also operates a metaverse platform for a new virtual reality experience.

The Complainant owns some trademark registrations for META, such as the United States Trademark Registration No. 5548121, applied for on December 17, 2015, and registered on August 28, 2018, initially in the name of Sciencescape Inc., being assigned to the Complainant on October 28, 2021 (Annexes 1 and 9 to the Complaint). Meanwhile, the META trademark is widely used by the Complainant in the United States and internationally (Annexes 5, 6, and 8 to the Complaint).

The Complainant further owns a significant number of domain names, which comprise its META trademark, such as the sub-domain name <about.facebook.com/meta> (Annexes 6 and 7 to the Complaint).

The Respondent is reportedly an individual from Türkiye.

The disputed domain names <metasupportforms.com> and <metasupportforms.xyz> were both registered on June 22, 2022. The disputed domain name <metasupportforms.click> was registered on June 26, 2022. The language of all three Registration Agreements is Turkish.

At one time, the disputed domain name <metasupportforms.com> resolved to a website entitled "Meta Support" purporting to be the Complainant and offering online support services to the Complainant's customer support services. On said website, the displayed address of the alleged service provider was the address of the Complainant's headquarters (Annex 10 to the Complaint).

At the time of this Decision, none of the disputed domain names resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain names.

The Complainant is of the opinion that the disputed domain names are confusingly similar to its META trademark.

Furthermore, it is argued that the Respondent has no rights or legitimate interests in respect of the disputed domain names and that the Respondent has registered and is using the disputed domain names in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Language of the Proceeding

The Panel determines in accordance with the Complainant's request and the Rules, paragraph 11(a), that the language of this administrative proceeding shall be English.

Although the language of the Registration Agreement of all three disputed domain names is Turkish, the Panel finds that it would be inappropriate, given the circumstances of this case, to conduct the proceeding in Turkish and to request a Turkish translation of the Complaint while the Respondent has failed to raise an objection to the Center's communication about the language of the proceeding, even though communicated both in Turkish and in English.

The Panel further notes that the Respondent was given the opportunity to respond in Turkish or English and that this opportunity remained unused by the Respondent.

Consequently, the Panel is convinced that the Respondent will not be prejudiced by a decision being rendered in English.

6.2 Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

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 names are identical or confusingly similar to a trademark in which the Complainant has rights; and
- (ii) the Respondent has 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not formally replied to the Complaint. See *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#).

For the evaluation of this case, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") and, where appropriate, will decide consistent with the consensus views stated therein.

A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having trademark rights in META.

The Panel further finds that the disputed domain names are confusingly similar to the Complainant's registered trademarks, as all of them are fully incorporating the Complainant's META trademark.

As stated at section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within a disputed domain name, the addition of other terms would generally not prevent a finding of confusing similarity. The addition of the terms "support" and "forms" does not, in view of the Panel, serve to prevent a finding of confusing similarity between the disputed domain names and the Complainant's META trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent's rights or legitimate interests is primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain names to meet the requirements of paragraph 4(a)(ii) of the Policy. *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license to use the Complainant's trademarks within the disputed domain names.

Further, the Panel finds that the disputed domain names, which are confusingly similar to the Complainant's META trademark due to incorporating the META trademark in its entirety together with additional terms obviously targeting the Complainant's trademarks and customer services, carry a risk of implied affiliation or association, as stated in section 2.5.1 of the [WIPO Overview 3.0](#).

In the absence of a Response, the Respondent has failed to demonstrate any of the non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or provide any other evidence of a right or legitimate interest in the disputed domain names. Bearing in mind that the disputed domain names are yet not being actively used by the Respondent, the Panel does also not see any basis for assessing a *bona fide* offering of goods or services by the Respondent.

Hence, the Panel concludes that the Respondent does not have a right or legitimate interest in the disputed domain names according to the Policy, paragraph 4(a)(ii) and 4(c).

C. Registered and Used in Bad Faith

In the Panel's view, the Respondent has registered and is using the disputed domain names in bad faith.

The Panel is convinced that the Respondent must have had the Complainant's trademarks in mind when registering the disputed domain names. The Panel believes that the Respondent deliberately attempted to create a likelihood of confusion among Internet users and/or to free-ride on the goodwill of the Complainant's META trademark, likely for commercial gain and/or to disrupt the Complainant's business.

Consequently, the Panel has no doubt that the Respondent has registered the disputed domain names in bad faith.

Furthermore, the Panel finds that the Respondent is using the disputed domain names in bad faith, even though the disputed domain names are not currently actively used. In line with the opinion of numerous UDRP panels before (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)) and section 3.3 of the [WIPO Overview 3.0](#), the Panel believes that the non-use of a domain name does not prevent a finding of bad faith use.

Applying the passive holding doctrine as summarized in section 3.3 of the [WIPO Overview 3.0](#), the Panel assesses the Complainant's trademark META as sufficiently distinctive, so that any good-faith use of the Complainant's trademarks in the disputed domain names by the Respondent appears to be unlikely. Furthermore, the Panel accepts the failure of the Respondent to submit a response to the Complainant's contentions and, the Respondent's concealing its identity as an additional indication for bad faith.

The Panel further notes that previously, the disputed domain name <metasupportforms.com> resolved to a website entitled "Meta Support" purporting to be the Complainant, possibly for the purpose of phishing or other fraudulent activities (Annex 10 to the Complaint).

Bearing in mind the nature of the disputed domain names, the Panel cannot conceive of any plausible and legitimate use of the inherently misleading disputed domain names that would be in good faith, except with an authorization of the Complainant.

Taking all facts of the case into consideration, the Panel is convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

The Panel therefore concludes that the disputed domain names were all registered and are being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, 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 names, <metasupportforms.click>; <metasupportforms.com> and <metasupportforms.xyz>, be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: December 19, 2022