

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Ong Tran Ba Quyet
Case No. D2022-4086

1. The Parties

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

Respondent is Ong Tran Ba Quyet, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <verifyissue-meta.click> (the “Domain Name”) is registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2022. On October 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 1, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on November 7, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 10, 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 Respondent of the Complaint, and the proceedings commenced on November 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2022. Respondent did not submit any formal Response. Respondent sent an informal communication on November 23, 2022. Accordingly, the Center notified the Parties of the Commencement of Panel Appointment Process on December 7, 2022.

The Center appointed Clive L. Elliott K.C. as the sole panelist in this matter on December 16, 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

Complainant, formerly known as Facebook, Inc, is a United States corporation with its principal place of business in Menlo Park, California. Complainant is a social technology company and operates, *inter alia* Facebook, Instagram, Meta Quest (formerly Oculus), Portal, and WhatsApp.

Although Respondent resides in Viet Nam, as disclosed by the Registrar, Complainant has requested that the proceedings be conducted in English as the Domain Name was registered under the “.click” generic Top-Level Domain (“gTLD”), the Domain Name produces Complainant’s META trade mark, with the addition of English descriptive terms, namely “verify” and “issue”, and the Domain Name previously resolved to a login page entirely in English.

As well as developing a strong presence online by being active on various social-media platforms, Complainant is also the registered owner of the META trade mark (“Complainant’s Mark”) including:

Mark	Jurisdiction	Registration No.	Registration Date
META	United States	5548121	August 28, 2018
META	Andorra	43626	January 3, 2022
META	Monaco	2200039	February 8, 2022

Complainant is the owner of numerous domain names consisting of or including Complainant’s Mark, registered under various gTLDs as well as under a number of country code Top-Level Domains (“ccTLDs”).

According to the publicly available Whois the Domain Name was registered on May 5, 2022. Complainant advises that as at July 17, 2022 the Domain Name resolved to a login page advising users that Complainant had changed its name and they were updating their terms and conditions inviting users to enter their personal information. It also displayed the same colour scheme as Complainant’s website. However, as at the time of filing this complainant, the Domain Name no longer resolves to an active webpage.

5. Parties’ Contentions

A. Complainant

Complainant states that the Domain Name is confusingly similar to Complainant’s Mark as it contains Complainant’s Mark in its entirety, together with the descriptive words “verify” and “issue”.

Complainant considers the Domain Name poses an inherent security risk, as Respondent appears to have attempted to impersonate Complainant in what Complainant suggests is a phishing scheme targeting potential users of Complainant’s services.

Complainant submits that Respondent has no rights or legitimate interests in the Domain Name, he is not a licensee of Complainant, nor is he affiliated with Complainant.

Complainant asserts that as at the time of filing the Domain Name did not resolve to an active webpage and that such passive holding does not constitute a *bona fide* offering of goods and services. Further, Complainant asserts that to the best of Complainant’s knowledge there is no evidence that Respondent is known by the Domain Name or has applied for any trade mark registrations for “meta”.

Complainant submits that Respondent has registered the Domain Name in bad faith. It further contends that despite the Company's renaming, Complainant's Mark was already well known throughout the world and closely associated with Complainant's goods and services. Complainant points out that its renaming had attracted significant international media attention and it believes that Respondent could not credibly argue that it did not have knowledge of Complainant's Mark when registering the Domain Name several months after Complainant's name change.

B. Respondent

Respondent did not formally reply to Complainant's contentions. However, Respondent sent an informal communication on November 23, 2023, mentioning that Respondent used to own the Domain Name, and he would like to have the claim resolved by closing the Domain Name or transferring ownership of the Domain Name to the Complainant.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant is the owner of, *inter alia*, United States registration No. 5548121 for META (Complainant's Mark).

The Domain Name reproduces Complainant's Mark, META. Complainant acknowledges that the Domain Name also includes the English words "verify" and "issue".

The Domain Name contains Complainant's Mark in its entirety. The inclusion of the words "verify" and "issue" does not prevent a finding of confusing similarity. See section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Further, Complainant's Mark is recognizable in the Domain Name. See section 1.7 of [WIPO Overview 3.0](#).

The Domain Name is therefore confusingly similar to Complainant's Mark. The first ground under the Policy is made out.

B. Rights or Legitimate Interests

Complainant contends that Respondent is using the Domain Name in an improper manner. Complainant says that, when filed, the Domain Name did not resolve to an active webpage and that the Domain Name is being held passively. In addition, Complainant asserts that there is no indication of any offering of goods or services, let alone a *bona fide* offering of goods and services. Moreover, Respondent is clearly not commonly known by the Domain Name, or a name associated with the Domain Name.

Complainant submits that the Domain Name poses an inherent security risk and that Respondent appears to have attempted to impersonate Complainant in what Complainant suggests is a phishing scheme targeting potential users of Complainant's services. Given the profile and notoriety of Complainant, not just in the United States but internationally, and the publicity surrounding the launch of Complainant's Mark META, Complainant's concerns can hardly be described as trivial. They certainly call for a response. In the absence of any formal response to Complainant's contentions, including in Respondent's informal communication, the Panel infers that Respondent has or may in the future use the Domain Name to potentially mislead consumers. This is inconsistent with it having rights or legitimate interest in the Domain Name.

In addition, the Panel finds that Respondent's activities do not constitute a *bona fide* offering of goods and/or services and it does not have rights or legitimate interests in the Domain Name.

Accordingly, the second ground under the Policy is made out.

C. Registered and Used in Bad Faith

For the reasons discussed above, the Panel's is satisfied that the Domain Name has been registered and used in bad faith. The Panel reaches this view given that Respondent has failed to respond or explain itself, that the Domain Name is confusingly similar to Complainant's Mark, that Complainant has a sufficiently high profile to indicate that Respondent registered the Domain Name knowing of Complainant and Complainant's Mark, and that the Domain Name has been used in connection with an apparent phishing scheme impersonating Complainant and seeking sensitive personal information from Internet users. In these circumstances, the fact that the Domain Name does not currently resolve to an active website does not prevent a finding of bad faith.

Complainant has therefore established the third ground under 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 Domain Name <verifyissue-meta.click> be transferred to the Complainant.

/Clive L. Elliott K.C./

Clive L. Elliott K.C.

Sole Panelist

Date: January 24, 2023