

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. and Meta Platforms Technologies, LLC v. 昭龙 叶
Case No. D2022-4696

1. The Parties

The Complainants are Meta Platforms, Inc., United States of America (“United States”), and Meta Platforms Technologies, LLC, United States, represented by Hogan Lovells (Paris) LLP, France.

The Respondent is 昭龙 叶, China.

2. The Domain Names and Registrar

The disputed domain names, <ametaquest.com>, <dmetaquest.com>, <meta-quest.app>, <metaquest.beer>, <metaquestbox.com>, <metaquestdao.com>, <metaquestdaos.com>, <metaquestfi.com>, <metaquest.kiwi>, <metaquestone.com>, <metaquestonline.com>, <metaquestverse.com>, <meta-quest.xyz>, <metaquest365.com>, <openmetaquest.com>, and <questmeta.org>, are registered with Dynadot LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 7, 2022. On December 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 8, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainants on December 9, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on December 16, 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 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 9, 2023.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on January 16, 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, Meta Platforms, Inc. (formally known as “Facebook, Inc.”) is a social technology company which operates Facebook, Instagram, WhatsApp, and Meta Quest (formerly known as “Oculus”). The Complainant, Meta Platforms Technologies, LLC (formerly known as “Facebook Technologies, LLC”), was acquired by the Complainant, Meta Platforms, Inc. in 2014, and is a distributor of virtual reality (“VR”) headsets, including the “Meta Quest” VR headsets.

The Complainants own numerous trademark registrations for META and QUEST respectively in various jurisdictions, including the following:

- United States trademark registration No. 5548121 for META, registered on August 28, 2018, and assigned to the Complainant on October 26, 2021;
- United States trademark registration No. 6279215 for QUEST, registered on February 23, 2021;
- European Union trademark No. 017961685 for QUEST, registered on June 16, 2020; and
- China trademark registration No. 33818197 for QUEST, registered on June 14, 2019.

The Complainants maintain a strong online presence on the various social media platforms, such as Facebook, Twitter, Instagram, Youtube, and LinkedIn. The Complainants also own numerous domain names consisting of or incorporating the META trademark, such as <meta.com>.

The disputed domain names <metaquestbox.com>, <metaquestdao.com>, and <metaquestverse.com> were registered on January 30, 2022; the disputed domain names <ametaquest.com>, <dmetaquest.com>, <meta-quest.app>, <metaquest.beer>, <metaquest.kiwi>, <meta-quest.xyz>, <metaquest365.com>, <metaquestdaos.com>, <metaquestfi.com>, <metaquestone.com>, <metaquestonline.com>, and <questmeta.org> were registered on February 2, 2022; and the disputed domain name <openmetaquest.com> was registered on February 3, 2022.

At the time of filing of the Complaint, the disputed domain names redirected to Dan.com parking pages where they were listed for sale. The websites at the disputed domain names also listed “Buy this domain” or “Buy now” prices of varying amounts ranging from USD 399 (<metaquestdaos.com>) to USD 3,899 (<questmeta.org>) and invited Internet users to make an offer in some instances.

5. Parties’ Contentions

A. Complainants

The Complainants are of the opinion that the disputed domain names are confusingly similar to its META and QUEST trademarks.

The Respondent has no rights or legitimate interests in the disputed domain names. There is no business relationship between the Complainants and the Respondent, and the Complainants have not authorized, permitted or licensed the Respondent to use the META and QUEST trademarks. Also, there is no evidence that the Respondent is commonly known as the disputed domain names.

In addition, the Complainants are convinced that the Respondent has registered and is using the disputed domain names in bad faith.

In an attempt to resolve the matter amicably, the Complainant submitted notices that were sent to the Respondent via the Registrar's registrant contact form for each of the disputed domain names. No response was received.

The Complainant requests the transfer of the disputed domain names.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 Procedural Issue

A. Consolidation of Multiple Complainants

The Complaint was filed by two Complainants against a single Respondent.

Neither the Policy nor the Rules expressly provides for or prohibits the consolidation of multiple complainants. In this regard, section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states: "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

Both Complainants form part of the same corporate group. The Complainant, Meta Platforms Technologies, LLC, is a wholly-owned subsidiary of the Complainant, Meta Platforms, Inc. The Complainant, Meta Platforms, Inc., is the registered owner of the above-mentioned META trademark, while the Complainant, Meta Platforms Technologies, LLC, is the registered owner of the above-mentioned QUEST trademark and also the beneficial owner of these two trademarks as it distributes VR headsets under the brand of "Meta Quest". As such, the Panel finds that both Complainants have a sufficient common legal interest in the META and QUEST trademarks included in the disputed domain names to file a joint Complaint. See also *Meta Platforms, Inc. and Meta Platforms Technologies, LLC v. caocan*, WIPO Case No. [D2022-3014](#). Apparently, the Complainants are referred to collectively as "the Complainant" below except as otherwise indicated.

6.2 Substantive issues

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

- (i) that the disputed domain names registered by the Respondent are identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that 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 aforementioned three elements is present in order to obtain the transfer of the disputed domain names.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

A. Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy it should be established that the disputed domain names are identical or confusingly similar to a mark in which the Complainant has rights.

The Panel confirms that for the purposes of paragraph 4(a)(i) of the Policy the Complainant has satisfied the threshold requirement of having relevant trademark rights for META and QUEST in multiple jurisdictions.

With the Complainant's rights in META and QUEST trademarks established, the remaining question under the first element of the Policy is whether the disputed domain names are identical or confusingly similar to the Complainant's marks.

It is well accepted that the first element functions primarily as a standing requirement and that the 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. This test typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The disputed domain names comprise the Complainant's META and QUEST trademarks in their entirety followed by a hyphen, additional letters ("a" and "d"), numbers ("365"), or terms ("box", "dao", "daos", "fi", "one", "online", "verse" and "open"). Prior panels have recognized that confusing similarity is established for purposes of the Policy where the disputed domain name incorporates the complainant's trademark in its entirety. Furthermore, in cases where the relevant trademark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity under the first element. See [WIPO Overview 3.0](#), sections 1.7 and 1.8.

In addition, the combination of the META and QUEST trademarks does not prevent a finding of confusing similarity. Prior UDRP panels have found that domain names containing multiple trademarks to be confusingly similar to the trade marks at issue. See in this regard *Meta Platforms, Inc. and Instagram, LLC. v. Domains by Proxy, LLC / Bazyan Rafiq*, WIPO Case No. [D2021-3626](#).

The generic Top-Level Domain ("gTLD"), such as ".app", ".com", ".beer", ".kiwi", ".org", and ".xyz", may be disregarded for purposes of comparison under the first element, as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademarks and that the requirement of paragraph 4(a)(i) of the Policy is met in this case.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

It is well established that, as it is put in [WIPO Overview 3.0](#), section 2.1, while the overall burden of proof in the proceedings is on the complainant, proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control 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 on this element shifts to the respondent to show that it has rights or legitimate interests in the disputed domain name.

The Complainant has made out a *prima facie* case showing that the Respondent has no rights or legitimate interests in the disputed domain names, notably by:

- (i) demonstrating rights in the META and QUEST trademarks and providing evidence on its goodwill which supports the fact that the Respondent has no rights or legitimate interests in said marks;
- (ii) confirming that the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's META and QUEST trademarks or any domain names incorporating the META and QUEST trademarks;
- (iii) underlining that the Respondent is not commonly known by the disputed domain names or that the Respondent has relevant trademark rights.

According to the case file, there is nothing to suggest any *bona fide* use that might confer rights or legitimate interests in the disputed domain names on the Respondent. Nor is there any evidence of the Respondent having made demonstrable preparations to use the disputed domain names in connection with a *bona fide* offering of goods or services, such as evidence of business formation-related due diligence/legal advice/correspondence, evidence of credible investment in website development or promotional materials such as advertising, letterhead, or business cards, proof of a genuine (*i.e.*, not pretextual) business plan utilizing the disputed domain names, and credible signs of pursuit of the business plan, *bona fide* registration and use of related domain names, or other evidence generally pointing to a lack of indicia of cybersquatting intent; see [WIPO Overview 3.0](#), section 2.2.

Furthermore, at the time of filing of the Complaint the disputed domain names redirected to Dan.com parking pages where the disputed domain names were listed for sale for “Buy this domain” or “Buy now” prices between USD 399 to USD 3,899. As such, the Respondent’s registration and use of the disputed domain names may be considered to be commercial in nature, and does not amount to legitimate noncommercial or fair use as contemplated by paragraph 4(c)(iii) of the Policy.

Finally, prior UDRP panels have held that even where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See [WIPO Overview 3.0](#), section 2.5.1. With regard to the disputed domain names <meta-quest.app>, <metaquest.beer>, <metaquest.kiwi>, <meta-quest.xyz> and <questmeta.org>, the Panel has found that by reflecting the Complainant’s META and QUEST trademarks in these domain names, as well as the Complainant’s product name (Meta Quest), the composition of these particular disputed domain names is such that these disputed domain names carry a high risk of implied affiliation with the Complainant.

Consequently, the burden shifts to the Respondent to rebut the Complainant’s *prima facie* showing by providing relevant evidence that he has rights or legitimate interests in the disputed domain names. The Respondent, however, has failed to file a response to prove his rights or legitimate interests in the disputed domain names under paragraph 4(c) of the Policy.

As such, the Panel finds that the Complainant has established that the Respondent does not have rights or a legitimate interest in the disputed domain names, and that the element under paragraph 4(a)(ii) of the Policy has been established.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy refers to the question of whether the disputed domain names have been registered and are being used in bad faith by the Respondent.

Here the Complainant asserts that the disputed domain names were registered and are being used in bad faith pursuant to paragraphs 4(b)(i) and 4(b)(ii) of the Policy.

As evidenced by the Complainant, the Complainant and its META and QUEST trademarks enjoy a worldwide reputation. Therefore, under this Panel's view, the Respondent's choice of the disputed domain names cannot have been accidental and must have been influenced by the fame of the Complainant and its earlier trademarks. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See *Carrefour SA v. Registration Private, Domains By Proxy, LLC / 3232 33232*, WIPO Case No. [D2022-1952](#).

In light of the composition of the disputed domain names, and the number of the disputed domain names registered by the Respondent, the Panel considers that the Respondent's redirection of the disputed domain names to Dan.com and offering them for sale with varying "Buy this domain" or "Buy now" prices supports the inference that the Respondent registered the disputed domain names opportunistically, primarily for the purpose of selling the disputed domain names to the Complainant, who is the owner of the META and QUEST trademarks, or to a competitor of the Complainant, most likely for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain names. Such registration and use of the disputed domain names constitutes bad faith pursuant to paragraph 4(b)(i) of the Policy.

Furthermore, according to the evidence provided by the Complainant, the Panel has found that by registering 16 disputed domain names, each comprising the Complainant's META and QUEST trademarks in their entirety, as well as other domain names targeting third party trademarks, and by being involved in previous UDRP proceedings as a respondent regarding domain names comprising third party trademarks, the Respondent has engaged in an abusive pattern of registration preventing the Complainant from reflecting its trademarks in corresponding domain names, which constitutes bad faith pursuant to paragraph 4(b)(ii) of the Policy.

Consequently, the Panel considers that the disputed domain names were registered and are being used in bad faith. In light of the above, the third element under paragraph 4(a)(iii) of the Policy has been established.

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, <ametaquest.com>, <dmetaquest.com>, <meta-quest.app>, <metaquest.beer>, <metaquestbox.com>, <metaquestdao.com>, <metaquestdaos.com>, <metaquestfi.com>, <metaquest.kiwi>, <metaquestone.com>, <metaquestonline.com>, <metaquestverse.com>, <meta-quest.xyz>, <metaquest365.com>, <openmetaquest.com>, and <questmeta.org>, be transferred to the Complainant, Meta Platforms, Inc.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: January 22, 2023