

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Zhenhua JIN  
Case No. D2023-0149

### **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 Zhenhua JIN, China.

### **2. The Domain Name and Registrar**

The disputed domain name <metaquest.career> is registered with NETIM SARL (the “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 Registrar a request for registrar verification in connection with the disputed domain name. On January 12, 2023, 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.

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, and the proceedings commenced on January 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 6, 2023.

The Center appointed Marilena Comanescu as the sole panelist in this matter on February 10, 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 United States social media 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 the intellectual property rights holder for various technologies owned by the Complainant Meta Platforms, Inc. and a distributor of virtual reality (“VR”) software and apparatus, including the “Meta Quest” VR headsets. Since the Complainants are part of the same group, they will be collectively referred to as the “Complainant” hereinafter.

The Complainant’s change of name was announced on October 28, 2021 and this was publicised worldwide, including in China where the Respondent apparently resides. The Complainant has made substantial investments to develop a strong presence online by being active on various social-media platforms.

The Complainant’s products and services are available in many countries around the world, including in the United States and Europe.

The Complainant holds trademark registrations for META and QUEST worldwide, such as the following:

- the United States Trademark registration no. 5548121 for the word META, filed on December 17, 2015 and registered on August 28, 2018, assigned to the Complainant on October 26, 2021, and covering services in Nice classes 35 and 42;
- the European Union Trademark registration no. 017961685 for the word QUEST, filed on September 26, 2018 and registered on June 16, 2020, and covering goods and services in Nice classes 9, 28, 35, 38, 41, 42, and 45; and
- the United States Trademark registration no. 6279215 for the word QUEST, filed on September 26, 2018 and registered on February 23, 2021, and covering goods and services in Nice classes 9, 28, 35, and 42.

The Complainant holds numerous domain names incorporating the META and QUEST trademarks, such as <meta.com>, <meta.day>, <meta.new>, or <questfrommeta.com>.

The disputed domain name <metaquest.career> was registered on February 2, 2022 and at the time of filing the Complaint, it was redirected on a third party website and offered for sale with no price listed.

According to evidence provided as Annex 15 to Complaint, on November 22, 2022, the Complainant sent a cease-and-desist letter to the registrant listed in the WhoIs requesting the transfer of the disputed domain name to it. On the same day, a response was received from the Respondent stating basically that he is not interested in the disputed domain name, which will not be renewed. On November 23, 2022 the Complainant’s representative requested the authentication code for the transfer of the disputed domain name; the Respondent replied on November 28, 2022 offering to sell the disputed domain name for USD 50,000. After the Complainant’s response of December 7, 2022 declining such offer, the Respondent further offered to sell the disputed domain name for USD 5,000.

According to evidence provided in Annex 16 to the Complaint, the Respondent (using the Chinese characters) seems to be the registrant of several domain names comprising third parties’ known trademarks.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is confusingly similar to its widely known trademarks, the Respondent has no rights or legitimate interests in the disputed domain name, and the

Respondent registered and is using the disputed domain name in bad faith. The Complainant requests the transfer of the disputed domain name to it.

## **B. Respondent**

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

## **6. Discussion and Findings**

In view of the absence of a Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

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

The Panel will further analyze the potential concurrence of the above circumstances.

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

The Panel finds that the Complainant holds rights in the META and QUEST trademarks.

All the disputed domain name <metaquest.career> incorporates both of the Complainant's trademarks in their entirety.

Further, it is well established in decisions under the UDRP that the generic Top-Level Domain ("gTLD") (e.g., ".com", ".site", ".career", ".org") may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Given the above, the Panel finds that the disputed domain name is confusingly similar to the trademarks META and QUEST, pursuant to the Policy, paragraph 4(a)(i).

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

The Complainant asserts that the Respondent does not hold any trademark rights, license, or authorization whatsoever to use the marks META and QUEST, that the Respondent is not commonly known by the disputed domain name and that the Respondent has not used the disputed domain name in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods or services.

Under the Policy, "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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element". See section 2.1 of the [WIPO Overview 3.0](#).

The Complainant has put forward a *prima facie* case that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Respondent has not replied to the Complainant's contentions and has not come forward with relevant evidence to rebut the Complainant's *prima facie* case.

The disputed domain name incorporates the Complainant's trademarks in their entirety, was offered for sale to on Dan.com and, after being put on notice on the Complainant's rights, it was also offered for sale to the Complainant. These facts, together with the other circumstances in this case, do not amount to a *bona fide* or legitimate use.

Further, prior UDRP panels have held that where a domain name consists of a trademark, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See section 2.5.1 of the [WIPO Overview 3.0](#).

For these reasons, the Panel finds that the second element of the Policy is established, and the Respondent has no rights or legitimate interests in respect of the disputed domain name, pursuant to the Policy, paragraph 4(a)(ii).

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

The Complainant holds trademark rights in META and QUEST since at least 2021. This Panel accepts the Complainant's evidence that the META and QUEST trademarks were significantly promoted worldwide and gained reputation.

The disputed domain name was registered in less than four months after the Complainant's public announcement regarding its rebranding, incorporates the Complainant's combination of META and QUEST marks and reflects the name of the Complainant's product "Meta Quest" VR headsets.

For the above, the Panel finds that the disputed domain name was registered in bad faith with the Respondent's knowledge of the Complainant, its business, trademarks and products.

At the time of filing the Complaint, the disputed domain name was not connected to an active-content website but was offered for sale. From the inception of the UDRP, panels have found that the non-use of a domain name (including a blank or "coming soon" or other similar inactive page) would not prevent a finding of bad faith under the doctrine of passive holding. The Panel must examine all the circumstances of the case to determine whether the Respondent is acting in bad faith. Examples of what may be relevant circumstances found to be indicative of bad faith include the degree of distinctiveness or reputation of the complainant's mark and the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use. See section 3.3 of the [WIPO Overview 3.0](#).

Here, the disputed domain name incorporates the Complainant's trademarks META and QUEST in their entirety, the Respondent failed to participate in this proceeding and it is implausible to conceive any good faith use to which the disputed domain name may be put.

Also, the disputed domain name was offered for sale on Dan.com and, according to evidence provided in the Complaint, after being put on notice on the Complainant's rights, the Respondent offered it for sale to the Complainant for an amount exceeding the out-of-pocket expenses incurred with its registration.

Consequently, the Panel deems applicable the circumstances listed under paragraph 4(b)(i) of the Policy providing that the Respondent has registered the disputed domain name primarily for the purpose of selling or otherwise transferring the domain name registration to the Complainant or its competitors for an amount likely in excess of the documented out-of-pockets costs, in an attempt to capitalize upon the Complainant's reputation and goodwill.

Paragraph 4(b)(ii) of the Policy provides another circumstance of bad faith registration and use where the respondent registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct. According to Annex 16 to the Complaint, the Respondent seems to be the registrant of several other domain names comprising third parties' known trademarks and therefore this can be considered a pattern of abusive conduct and registration of the disputed domain name in bad faith.

The Respondent has not participated in the present proceeding in order to put forward any arguments in its favor and apparently provided inaccurate contact information in the Whois. Along with other circumstances in this case, such facts constitute another sign of bad faith.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a third party's widely known trademark can, by itself, constitute a presumption of bad faith for the purpose of Policy. See section 3.1.4 of the [WIPO Overview 3.0](#).

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

## **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 <metaquest.career> be transferred to the Complainant Meta Platforms, Inc..

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: February 20, 2023