



On June 23, 2023, the Center requested further information from the Registrar, to which the Registrar responded to on the same day. The Center informed the Parties of the Registrar's further disclosure on June 26, 2023, and informed the Parties that it would proceed with panel appointment.

The Center appointed Evan D. Brown as the sole panelist in this matter on June 29, 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., is a United States social technology company, and operates, *inter alia*, Facebook, Instagram, Meta Quest (formerly Oculus), and WhatsApp. The Complainant Meta Platforms Technologies, LLC is the intellectual property rights holder for various technologies owned by Meta Platforms, Inc.. It markets and offers virtual reality products (including the "Meta Quest" headsets).

The Complainants own numerous trademark registrations for META, and QUEST in the United States and numerous jurisdictions worldwide, including, but not limited to, the following: META, United States Trademark Registration No. 5,548,121, registered on August 28, 2018, and QUEST, United States Trademark Registration No.6,279,215, registered on February 23, 2021.

According to the Whois records, the disputed domain name was registered on May 11, 2022. The disputed domain name resolves to an inactive web page displaying a "403 Forbidden" error code.

The Complainants sent cease and desist communications to the Respondent concerning the disputed domain name but received no response.

The Registrar originally disclosed the underlying registrant for the disputed domain name as "\u0e1e\u0e48\u0e2d \u0e19\u0e49\u0e2d\u0e07\u0e02\u0e49\u0e32\u0e27\u0e19", but later provided the non-encoded version, "Father, Nong Khao" (hereinafter referred to as the "Respondent").

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants contend that the disputed domain name is identical or confusingly similar to the Complainants' trademarks; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

#### **6. Discussion and Findings**

##### **A. Consolidation of Multiple Complainants**

UDRP panels have articulated principles in accordance with Paragraph 10 of the Rules governing the question of whether a complaint filed by multiple complainants may be brought against one or more respondents. These criteria encompass situations in which: (i) the complainants either have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants' individual rights in a similar fashion; and (ii) it would be equitable and

procedurally efficient to permit the consolidation. The burden of showing that consolidation is proper falls on the Complainants.

The Complainants have provided sufficient evidence to support consolidating them. They share a legal interest and grievance. Specifically:

- The Complainant Meta Platforms Technologies, LLC, the owner of trademark registrations for the mark QUEST, is a wholly-owned subsidiary of Complainant Meta Platforms, Inc., the owner of trademark registrations for the mark META.
- Both of the Complainants have been the target of common conduct by the Respondent.
- There is no apparent reason why it would not be equitable and procedurally efficient to permit consolidation. Both of the Complainants submit that consolidation of the Complainants would be appropriate in the present proceeding, and would not have any unfairly prejudicial effect on the Respondent.

As such, both of the Complainants have a common legal interest in a relevant right or rights that are affected by the Respondent's conduct regarding registration and use of the disputed domain name, and both of the Complainants are the target of common conduct by the Respondent that has affected their individual legal interests. Further, it is procedurally efficient to consolidate them.

Accordingly, the Panel will consolidate the Complainants.

## **B. Identical or Confusingly Similar**

This element requires the Panel to consider two issues: first, whether the Complainants have rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark. This element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainants have demonstrated rights in the META and QUEST marks by providing evidence of their trademark registrations.

The disputed domain name incorporates the META and QUEST marks in their entirety with the terms "lost" and "ww", which do not prevent a finding of confusing similarity between the disputed domain name and the Complainants' marks. See [WIPO Overview 3.0](#), section 1.8. The META and QUEST marks remain recognizable for a showing of confusing similarity under the Policy.

Accordingly, the Complainants have satisfied this first element under the Policy.

## **C. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainants have made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainants make that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainants). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainants assert, among other things, that: (1) the Respondent is not using the disputed domain name in connection with any *bona fide* offering of goods or services, (2) the Respondent is not a licensee of the Complainants and the Respondent is not affiliated with the Complainants in any way,

(3) the Complainants have not granted any authorization for the Respondent to make use of its META or QUEST trademarks, in a domain name or otherwise, (4) the Respondent is not commonly known by the disputed domain name, and (5) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds that the Complainants have made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainants have established this second element under the Policy.

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

Because the Complainants' META and QUEST marks are well-known, and are registered in jurisdictions around the world, the Panel finds it likely that the Respondent was aware of the marks when it registered the disputed domain name. In the circumstances of this case, without the benefit of any explanation whatsoever from the Respondent as to a possible good faith use of the disputed domain name, such a showing is sufficient to establish bad faith registration of the disputed domain name.

The circumstances also demonstrate bad faith use of the disputed domain name in terms of the Policy. Where a disputed domain name is "so obviously connected with such a well-known name and products...its very use by someone with no connection with the products suggests opportunistic bad faith". See, *Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No. [D2000-0226](#). Furthermore, from the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank page) would not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

The lack of response by the Respondent to the Complainants' cease-and-desist communications supports a finding of bad faith. Past UDRP panels have held that failure to respond to a cease-and-desist letter may be considered a factor in finding bad faith registration and use of a domain name. See *Encyclopaedia Britannica, Inc. v. John Zuccarini and The Cupcake Patrol a/k/a Country Walk a/k/a Cupcake Party*, WIPO Case No. [D2000-0330](#).

The Panel finds that the Complainants have established this third element 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 disputed domain name <metaquestlostww.com> be transferred to the Complainant Meta Platforms, Inc...

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: July 14, 2023