

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., and Meta Platforms Technologies, LLC v. 卢长富
(Chang Fu Lu)

Case No. D2023-2329

1. The Parties

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

The Respondent is 卢长富 (Chang Fu Lu), China.

2. The Domain Names and Registrars

The disputed domain name <metaquest.art> is registered with Chengdu West Dimension Digital Technology Co., Ltd. The disputed domain name <metaquest.dev> is registered with West263 International Limited. (Collectively, the “Registrars”)

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 30, 2023. On May 31, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On June 1, 2023, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 5, 2023, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on June 9, 2023.

On June 5, 2023, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On the same day, the Complainants submitted their request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in English and Chinese of the Complaint, and the proceedings commenced on June 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 7, 2023.

The Center appointed Francine Tan as the sole panelist in this matter on July 18, 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 Complainants are Meta Platforms, Inc. and Meta Platforms Technologies, LLC.

(1) Meta Platforms, Inc.

Meta Platforms, Inc. (hereafter referred as "MPI") is a U.S. social technology company, and operates, *inter alia*, Facebook, Instagram, Meta Quest (formerly Oculus), and WhatsApp. MPI's focus is to bring the metaverse to life and to help people connect, find communities and grow businesses.

The Complainants produced evidence showing that MPI is the registered owner of numerous trade marks containing the terms "meta" and "quest" in many jurisdictions around the world, including the following:

- Hong Kong, China Trade Mark Registration No. 305847175 for META QUEST, registered on August 11, 2022;
- Mexican Trade Mark Registration No. 2388436 for META QUEST, registered on April 27, 2022; and
- U.S. Trade Mark Registration No. 5548121 for META, registered on August 28, 2018 ; and
- U.S. Trade Mark Registration No. 6279215 for QUEST, registered on February 23, 2021.

MPI is the registrant of numerous domain names consisting of or including the META trade mark under a range of generic Top-Level Domains ("gTLDs") such as <workplacefrommeta.com>, <facebookfrommeta.com>, <instagramfrommeta.com>, <jobsatmeta.com>, <meta.com>, <meta.day>, <meta.new>, and <questfrommeta.com>.

(2) Meta Platforms Technologies, LLC

Meta Platforms Technologies, LLC (hereafter referred as "MPT"), is a wholly-owned subsidiary of MPI, and is the intellectual property rights holder for various technologies owned by MPI. MPT initially operated under the corporate name of its predecessor in interest, Oculus VR, LLC, and then changed its name to Facebook Technologies, LLC in 2018.

The Complainants produced evidence showing that MPT is the registered owner of the QUEST trade marks including the following:

- Chinese Trade Mark Registration No. 33818197 for QUEST, registered on June 14, 2019.
- The Complainants state that they have made substantial investments to develop a strong presence online by being active on various social-media platforms, including Facebook, Twitter, and LinkedIn. For instance, MPI's official page on Facebook has over 79 million "likes" and 13.9 million followers on Twitter.

The disputed domain names were both registered on February 6, 2023. At the time of the filing of the Complaint, the disputed domain name <metaquest.dev> resolved to a Dan.com parking page where it was being listed for sale for USD 6,600. The disputed domain name <metaquest.art> also resolved to a Dan.com parking page listing it for sale without a buy-now price. Based on the evidence provided by the Complainants, the latter disputed domain name was previously listed for sale on the same platform for USD 5,000.

On March 26, 2023, the Complainants' lawyers sent an infringement notice in relation to the disputed domain names via the first Registrar's registrant contact form. On March 27, 2023, the Complainants' lawyers requested the Registrars to forward the Complainant's cease and desist letter, in which they asserted the Complainants' trade mark rights and requested the transfer of the disputed domain names. On March 28, 2023, the Registrars of the respective disputed domain names confirmed that they had forwarded the Complainants' cease and desist letter to the Respondent.

5. Parties' Contentions

A. Complainants

1. The disputed domain names are identical or confusingly similar to the Complainants' META QUEST, META, and QUEST trade marks in which the Complainants have rights. Each of the disputed domain names incorporate both the META and QUEST trade marks in their entirety, with the addition of the gTLD ".dev" and ".art" which may be disregarded for the purposes of comparison under the first element, as it is viewed as a standard requirement of registration.
2. The Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not using the disputed domain names in connection with any *bona fide* offering of goods or services. The Respondent is not a licensee of the Complainants nor affiliated with the Complainants in any way. The Complainants have not granted any authorization for the Respondent to make use of the META QUEST, META, and QUEST trade marks, in a domain name or otherwise. The disputed domain names resolve to parking pages, where they are offered for sale. Such use of the disputed domain names clearly indicates the Respondent's intent to profit from the goodwill and reputation associated with the Complainants' trade marks, which cannot amount to *bona fide* use within the meaning of paragraph 4(c)(i) the Policy.
3. There is no evidence of the Respondent having made demonstrable preparations to use the disputed domain names, 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, 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.
4. There is no evidence to suggest that the Respondent is commonly known by the disputed domain names. The Respondent's name, 卢长富 (Chang Fu Lu), bears no resemblance to the disputed domain names. To the best of the Complainants' knowledge, the Respondent has never secured or attempted to secure any trade mark rights for META QUEST, META, or QUEST. The Respondent's listing of the disputed domain names for sale via the Dan.com parking pages does not give rise to any legitimate claim of being commonly known by the disputed domain names, nor does it give rise to any reputation in the disputed domain names themselves, independent of the Complainants' trade mark rights.
5. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers within the meaning of paragraph 4(c)(iii) of the Policy. By reflecting the Complainants' trade marks and their "Meta Quest" product name in the disputed domain names, the composition of the disputed domain names carry a high risk of implied affiliation with the Complainants which do not exist.
6. With regards to the Respondent's reply to the Complainants' cease and desist letter in which the Respondent claimed that "meta" is a generic word and the disputed domain names do not have any connection with the Complainants' websites, the disputed domain names, which not only consist of its trade marks but also correspond to the name of its popular Meta Quest VR headsets, are highly distinctive and can only be associated with the Complainants and their business. The Complainants provided evidence of Internet searches for "meta quest" which show results referring to the Complainants.

7. The disputed domain names were registered and are being used in bad faith. The disputed domain names were clearly registered in an attempt to target the Complainants' trade marks. The Complainants' META QUEST trade mark (or the combination of its META and QUEST trade marks) is highly distinctive and exclusively associated with their services. Although the Complainants' products and services are currently not accessible in China, the Complainants have received substantial media attention in relation to the success and popularity of their VR products as well as the change of its product name from "Oculus Quest" to "Meta Quest". UDRP panels in prior cases have recognized the strength and renown of the Complainants' META and QUEST trade marks and have ordered the transfer of other domain names in dispute to the Complainants. The disputed domain names were registered only a year after the Complainants' rebranding from Oculus Quest to Meta Quest which was widely publicized by the Chinese press. The Respondent cannot credibly argue that he did not have knowledge of the Complainants' META QUEST, META, and QUEST trade marks.

8. Lastly, the Respondent's postal address does not indicate the road number and appears to be incomplete. The Respondent's telephone and fax numbers are also clearly false. Such provision of incomplete and false Whois contact details at the time of registration of the disputed domain names also indicate bad faith. There is also no other evidence of the Respondent having made any substantial use of the disputed domain names, except for the fact that they are being listed for sale.

B. Respondent

On March 29, 2023, the Respondent sent an email in English in response to the Complainants' cease and desist letter. The email read as follows:

"If you want to steal the global domain name, you can use this way, the market shows hundreds of domain names for sale, you all want to grab? meta is a generic word, I registered is not a domain name like Facebook, and this domain name does not have any connection with your website.

Good luck."

Apart from the above email, the Respondent did not file a Response to the Complainants' contentions in this proceeding.

6. Discussion and Findings

6.1. Preliminary Issues

A. Language of the Proceeding

The language of the Registration Agreements for the disputed domain names is Chinese. The Complainants requested that the language of the proceeding be English for the following main reasons:

- (i) the Respondent's reply to the Complainants' cease and desist letter is in English;
- (ii) the two disputed domain names consist of Latin characters rather than Chinese characters and they both point to parking pages in English; and
- (iii) requiring the Complaint to be translated into Chinese would result in the proceedings being unduly delayed and the Complainants having to incur substantial expenses for translation.

The Respondent did not comment on the language of the proceeding.

Paragraph 11(a) of the Rules provides that:

“Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.”

Section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) states the following:

“Noting the aim of conducting the proceedings with due expedition, paragraph 10 of the UDRP Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality, and that each party is given a fair opportunity to present its case. Against this background, panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include (i) evidence showing that the respondent can understand the language of the complaint, (ii) the language/script of the domain name particularly where the same as that of the complainant’s mark, (iii) any content on the webpage under the disputed domain name, (iv) prior cases involving the respondent in a particular language, (v) prior correspondence between the parties, (vi) potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, (vii) evidence of other respondent-controlled domain names registered, used, or corresponding to a particular language, (viii) in cases involving multiple domain names, the use of a particular language agreement for some (but not all) of the disputed domain names, (ix) currencies accepted on the webpage under the disputed domain name, or (x) other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement.”

Having considered the relevant factors and interests of the respective Parties, the Panel determines that it would be appropriate for English be the language of the proceeding. The Panel is persuaded that the Respondent would not be prejudiced as he appears to be well familiar with and understands the English language. The contents of the resolved webpages reflect words in English and notably, nothing in Chinese. Most telling, the Respondent’s reply to the Complainants’ cease and desist letter was entirely in English. The Respondent had, moreover, been notified by the Center, in both Chinese and English, of the commencement of the proceeding, the language of the proceeding, and deadline for filing a Response. The Respondent therefore had ample opportunities to object and/or propose to submit his Response in Chinese but did not do so. In the absence of any rebuttal argument or justification therefore by the Respondent, the Panel does not find it procedurally efficient to have the Complainants translate the Complaint into Chinese.

B. Consolidation of Multiple Complainants

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

The Complainants submitted that neither the Policy nor the Rules expressly provides for or prohibits the consolidation of multiple complainants and cited section 4.11.1 of the [WIPO Overview 3.0](#), which states that:

“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. MPT is a wholly-owned subsidiary of MPI. MPI is the registered owner of the above-mentioned META and META QUEST trade marks, while MPT is the registered owner of the above-mentioned QUEST trade marks.

The Panel finds that the Complainants have a common grievance against the Respondent as they have a common legal interest in the trade marks on which this Complaint is based, and it is equitable and procedurally efficient to permit the consolidation of their complaints.

6.2 Substantive Issues

A. Identical or Confusingly Similar

The Complainants have established they have rights in the META QUEST, META, and QUEST trade marks. The disputed domain names wholly comprise the META QUEST trade mark or a combination of the META and QUEST trade marks.

The gTLDs “.dev” and “.art” are a technical requirement for domain name registrations and do not generally have any impact - at least under the first element - and are disregarded on the issue of the identity or confusing similarity between the disputed domain names and the Complainants’ trade marks. See [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the disputed domain names are identical to the META QUEST trade mark and confusingly similar to the META and QUEST trade marks in which the Complainants have rights.

The Panel accordingly finds that the first element of paragraph 4(a) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Panel finds that the Complainants have established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainants’ registrations and widely and internationally-publicized rebranding and/or adoption of the META QUEST, META, and QUEST trade marks predate the registration date of the disputed domain names. The Complainants did not license nor authorize the Respondent to use the trade marks META QUEST, META, and/or QUEST in a domain name. Neither is there any evidence that the Respondent is commonly known by any of the disputed domain names.

The disputed domain names resolve to webpages which display advertisements for the sale of the respective dispute domain names. There is no objective evidence showing that the Respondent is using or has made any preparations to use the disputed domain names in connection with a *bona fide* offering of goods or services or for a legitimate noncommercial or fair use purpose. Further, according to the uncontested evidence submitted by the Complainants, the disputed domain names were being offered for sale via Dan.com with a “Buy Now” price of USD 5,000 or USD 6,600.

The Panel also finds that the use of the Complainants’ trade marks META QUEST, META, and/or QUEST in their entirety carries a high risk that the disputed domain names would be perceived by Internet users to be affiliated with the legitimate holder of the trade marks, *i.e.* the Complainants. It has been held by prior UDRP panels that where a domain name consists of a trade mark, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trade mark owner. The use of the webpages in such a manner therefore does not represent a *bona fide* use of the Complainants’ mark. See [WIPO Overview 3.0](#), section 2.8.

The Respondent’s choice of a combination of famous trade marks associated with the Complainants show a clear intent to obtain an unfair commercial gain, with a view to misleadingly divert consumers looking for the Complainants.

Having established a *prima facie* case, the burden of production shifts to the Respondent to show that he has rights or legitimate interests in the disputed domain names. The Respondent did not file a formal response in the present case to rebut the Complainants’ assertions and evidence. The Respondent also failed by his email of March 29, 2023, to assert or support an assertion of rights and legitimate interests in the disputed domain names. In fact, the email from the Respondent strongly suggests that the purpose of registration of the disputed domain names was purely profit-driven and alluded to his persistence to sell the disputed domain names.

In the circumstances, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain names.

The Panel therefore finds that the second element of paragraph 4(a) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

The Panel is persuaded in the circumstances of this case that the Respondent targeted the Complainants and their well-known META QUEST, META, and QUEST trade marks. There is no other reason for the Respondent to have registered the disputed domain names except for the sole purpose of riding off the reputation and goodwill in the Complainants' META QUEST, META, and QUEST trade marks and to create confusion with the Complainants' META QUEST, META, and QUEST trade marks and business:

"If [...] circumstances indicate that the respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the complainant's trademark, panels will find bad faith on the part of the respondent. While panel assessment remains fact-specific, generally speaking such circumstances, alone or together, include: (i) the respondent's likely knowledge of the complainant's rights, (ii) the distinctiveness of the complainant's mark, (iii) a pattern of abusive registrations by the respondent, (iv) website content targeting the complainant's trademark, *e.g.*, through links to the complainant's competitors, (v) threats to point or actually pointing the domain name to trademark-abusive content, (vi) threats to "sell to the highest bidder" or otherwise transfer the domain name to a third party, (vii) failure of a respondent to present a credible evidence-backed rationale for registering the domain name, [...]. Particularly where the domain name at issue is identical or confusingly similar to a highly distinctive or famous mark, panels have tended to view with a degree of skepticism a respondent defense that the domain name was merely registered for legitimate speculation (based for example on any claimed dictionary meaning) as opposed to targeting a specific brand owner." See section 3.1.1 of the [WIPO Overview 3.0](#).

The Respondent registered the disputed domain names long after the Complainant registered its META QUEST, META, and QUEST trade marks. Given the goodwill fostered by the Complainants, distinctiveness of the Complainants' META, QUEST, and META QUEST marks, and the level of publicity given to these trade marks, it is highly unlikely that the Respondent did not know of the Complainants (previously known as Facebook) and their trade marks prior to the registration of the disputed domain names.

Further, the disputed domain names comprise the Complainants' META QUEST trade mark or combination of their META and/or QUEST trade marks in their entirety with no alterations, which the Panel finds is a blatant attempt by the Respondent to confuse and/or mislead Internet users seeking or expecting the Complainants.

It is clear from the Respondent's reply to the Complainants' cease and desist letter that the Respondent is well aware of the Complainants. The Respondent admitted to his awareness of the FACEBOOK trade mark and it is therefore not at all plausible that the registration of the disputed domain names comprising the Complainants' well-publicized trade marks was unknown to the Respondent.

The Panel further notes from the evidence submitted by the Complainants that the disputed domain names were being offered for sale via Dan.com. This appears to signal an intention on the part of the Respondent to derive commercial gain from the resale of the disputed domain name riding on the reputation of the Complainants' trade marks.

Accordingly, given the particular circumstances of this case and based on the evidence presented to the Panel including: the reputation of the Complainants and their META, QUEST, and META QUEST trade marks, the registration of the disputed domain names being long after the registration of the Complainants' trade marks, the Respondent's offer for sale of the disputed domain names and failure to submit a formal response with rebuttal evidence, the Panel concludes that the disputed domain names were registered and are being used in bad faith. The Panel finds that there is no plausible good faith use the Respondent can put the disputed domain names to.

The Panel therefore finds that the third element of paragraph 4(a) of the Policy has been satisfied.

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 <metaquest.dev> and <metaquest.art> be transferred to the Complainants.

/Francine Tan/

Francine Tan

Sole Panelist

Date: August 1, 2023