

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. 文进川
(Wenjinchuan), Jin Chuan Wen
Case No. D2023-2597

1. The Parties

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

The Respondent is 文进川 (Wenjinchuan), China and Jin Chuan Wen, China.

2. The Domain Names and Registrars

The disputed domain names <metaquest.cash>, <metaquest.chat>, <metaquest.cloud>, <metaquest.club>, <metaquest.life>, <metaquest.top>, and <metaquest.work> are registered with Chengdu West Dimension Digital Technology Co., Ltd.

The disputed domain name <metaquest.news> is registered with Xiamen ChinaSource Internet Service Co., Ltd.

Chengdu West Dimension Digital Technology Co., Ltd and Xiamen ChinaSource Internet Service Co., Ltd are referred to below separately and collectively as the “Registrar”.

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 16, 2023. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 19, 2023, the Registrar transmitted by email to the Center its verification responses confirming that the Respondent is listed as the registrant and providing the contact details. On the same day, the Center sent an email communication to the Complainant, providing further 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 in English on June 22, 2023.

On June 19, 2023, the Center sent an email communication to all Parties in Chinese and English regarding the language of the proceeding. On June 19, 2023, the Complainants confirmed 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 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 25, 2023.

The Center appointed Matthew Kennedy as the sole panelist in this matter on August 4, 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 First Complainant (formerly named “Facebook, Inc.”) is a social technology company that operates Facebook, Instagram, WhatsApp, and other products and services. On October 28, 2021, the First Complainant announced that its “Oculus Quest” virtual reality product line would be rebranded as “Meta Quest” from 2022. The evidence on record shows that this product name change was reported in the Chinese press as early as January 2022. The First Complainant holds various trademark registrations, including United States trademark registration number 5548121 for META, registered on August 28, 2018, specifying services in classes 35 and 42; and Hong Kong, China trademark registration number 305847175 for META QUEST, registered on August 11, 2022, specifying goods and services in multiple classes. These trademark registrations remain current.

The Second Complainant (formerly known as “Facebook Technologies, LLC”) is a wholly-owned subsidiary of the First Complainant that markets “Meta Quest” headsets in many jurisdictions, although not in mainland China. The Second Complainant holds various trademarks, including Chinese trademark registration number 33818197 for QUEST, registered on June 14, 2019, specifying services in class 45. That trademark registration remains current. The Second Complainant also uses the domain name <meta.com> in connection with an online store where it markets “Meta Quest” headsets.

The Respondent is an individual based in China. According to information provided by the Complainants, a prior UDRP panel concluded that the Respondent registered and was using in bad faith four domain names identical to the disputed domain names in the present proceeding but in other Top-Level Domains (“TLDs”). See *Meta Platforms, Inc., Meta Platforms Technologies, LLC v. 文进川*, WIPO Case No. [D2023-0196](#).

The disputed domain names were registered on the dates shown in the table below:

Creation date	Disputed domain name
January 3, 2023	<metaquest.news>
January 5, 2023	<metaquest.cash>
January 5, 2023	<metaquest.chat>
January 5, 2023	<metaquest.life>
January 5, 2023	<metaquest.top>
January 6, 2023	<metaquest.cloud>
January 6, 2023	<metaquest.club>
January 6, 2023	<metaquest.work>

The disputed domain name <metaquest.news> formerly resolved to a landing page advising that it was for sale and inviting Internet users to make an offer. There was no minimum bid. The other disputed domain names formerly resolved to landing pages displaying Pay-Per-Click (“PPC”) links for software and related

technologies with a notice that "The domain may be for sale. Click here to inquire about this domain." Internet users who clicked on the link were redirected to domain broker sales platform where they could make an offer to purchase the disputed domain names. There was no minimum bid. At the time of this Decision, none of the disputed domain names resolves to any active website; rather, they are all passively held.

5. Parties' Contentions

A. Complainants

The disputed domain names are identical or confusingly similar to the Complainants' META QUEST, META and QUEST trademarks.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy that would demonstrate its rights or legitimate interests in the disputed domain names. The Respondent is not affiliated with the Complainants in any way. The Complainants have not granted any authorization for the Respondent to make use of its META QUEST, META or QUEST trademarks, in a domain name or otherwise.

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' trademarks. The Complainants' META QUEST trademark (or the combination of its META and QUEST trademarks) is highly distinctive and exclusively associated with their products and services. The Respondent's offer to sell the disputed domain names in the circumstances of this case amounts to use in bad faith. The Respondent has engaged in a pattern of conduct by registering on separate occasions 12 domain names (including the eight disputed domain names) for the purposes of preventing the Complainant from reflecting its META QUEST trademark in a domain name.

The Complainants request that the disputed domain names be transferred to the First Complainant.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 Procedural Issues

A. Consolidation: Multiple Complainants

The Complaint was filed by two complainants. Both Complainants form part of the same corporate group as the Second Complainant is a wholly-owned subsidiary of the First Complainant. Further, the First Complainant owns a META QUEST trademark while the Second Complainant uses it to market the Meta Quest product line. Each of them also owns a relevant trademark registration. Accordingly, the Panel finds that the Complainants have a common grievance against the disputed domain name registrants and that it is efficient to permit the consolidation of their Complaints. Therefore, the Complainants are referred to below collectively as "the Complainant" except as otherwise indicated.

B. Identity of the Respondent

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. The Registrar has verified that the

holder of the disputed domain name <metaquest.news> is “文进川 (Wenjinchuan)” and that the holder of the other disputed domain names is “文进川 (Jin Chuan Wen)”. Given that these are transcriptions of the same name, and that they share the same contact telephone number and email address, the Panel finds that all the disputed domain names are registered by the same domain name holder (referred to in this Decision as “the Respondent”).

C. 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”. The Registrar confirmed that the Registration Agreements for all the disputed domain names are in Chinese.

The Complainant requests that the language of the proceeding be English. Its main arguments are that the disputed domain names consist of Latin characters; they are all registered under generic TLDs (“gTLDs”) comprising English language terms; they resolve to webpages in English, which strongly suggests that the Respondent is able to understand that language; and the translation and submission of the Complaint in Chinese would result in additional expense for the Complainant and unnecessary delay.

Paragraph 10(b) and (c) of the Rules require the Panel to ensure that the Parties are treated with equality, that each Party is given a fair opportunity to present its case and that the administrative proceeding take place with due expedition. Prior UDRP panels have decided that the choice of language of the proceeding should not create an undue burden for the parties. See, for example, *Solvay S.A. v. Hyun-Jun Shin*, WIPO Case No. [D2006-0593](#); and *Whirlpool Corporation, Whirlpool Properties, Inc. v. Hui'erpu (HK) electrical appliance co. ltd.*, WIPO Case No. [D2008-0293](#).

The Panel observes that the Complaint and amended Complaint in this proceeding were filed in English. Despite the Center having sent an email regarding the language of the proceeding, and the Notification of Complaint, in both Chinese and English, the Respondent did not comment on the language of the proceeding or express any interest in otherwise participating in this proceeding. Therefore, the Panel considers that requiring the Complainant to translate the Complaint into Chinese would create an undue burden and delay whereas accepting the Complaint in English does not cause prejudice to either Party.

Having considered all the circumstances above, the Panel determines under paragraph 11(a) of the Rules that the language of this proceeding is English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

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

A. Identical or Confusingly Similar

Based on the evidence submitted, the Panel finds that the Complainant has rights in the META QUEST mark, among others.

The disputed domain names incorporate the META QUEST mark, omitting only the space for technical reasons. Their only additional element is a gTLD (variously “.cash”, “.chat”, “.cloud”, “.club”, “.life”, “.news”, “.top”, or “.work”). As a standard requirement of domain name registration, a gTLD may be disregarded in the comparison between the disputed domain names and the META QUEST mark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.11.

Therefore, the Panel finds that the disputed domain names are identical to a trademark in which the Complainant has rights. The Complainant has satisfied the first element of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the Panel, shall demonstrate that the Respondent has rights to, or legitimate interests in, a disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a *bona fide* offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the Respondent has] acquired no trademark or service mark rights; or
- (iii) [the Respondent is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

As regards the first and third circumstances set out above, the disputed domain name <metaquest.news> formerly resolved to a webpage merely offering it for sale. The other seven disputed domain names formerly resolved to landing pages displaying PPC links for software and related technologies together with notices that they may be for sale. These uses are for commercial gain, if the Respondent is paid to direct traffic to the linked websites, or for the commercial gain of the operators of the linked websites, or both. These circumstances do not indicate that the disputed domain names are being used in connection with a *bona fide* offering of goods or services for the purposes of the Policy. Further, these circumstances indicate that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names.

As regards the second circumstance, the Respondent is identified in the Registrar’s Whois database as “文进川 (Wenjinchuan)” and “文进川 (Jin Chuan Wen)”, not the disputed domain names. Nothing in the record indicates that the Respondent has been commonly known by the disputed domain names.

In summary, the Panel considers that the Complainant has made a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent failed to rebut that *prima facie* case because he did not respond to the Complainant’s contentions.

Therefore, based on the record of this proceeding, the Complainant has satisfied the second element in paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that certain circumstances, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, but these circumstances are not exhaustive. The second circumstance is as follows:

- (ii) [the Respondent has] registered the [disputed] domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the Respondent has] engaged in a pattern of such conduct;

The disputed domain names were registered in January 2023, after the registration of the Complainant's META QUEST trademark in Hong Kong, China in August 2022. The disputed domain names were all registered approximately one year after the Complainant announced its Meta Quest product name, including in China, where the Respondent is based. The disputed domain names are all identical to the META QUEST mark, which is not a dictionary word and appears to have no other meaning besides as a reference to the Complainant's virtual reality headsets. The Respondent offers no explanation for his choice to register the disputed domain names. In view of these circumstances, the Panel has reason to find that the Respondent had the Complainant's META QUEST mark in mind at that time when he registered the disputed domain names.

The Respondent formerly used the disputed domain names to resolve to landing pages displaying PPC links with a notice that they might be for sale and links to a platform where Internet users could make an offer to purchase them or, in one case, to resolve to a landing page advertising the corresponding disputed domain name for sale and inviting Internet users to make an offer. The Respondent provides no explanation of any other potential use of the disputed domain names. The fact that the disputed domain names are all identical to the META QUEST trademark prevents the Complainant from reflecting that mark in the corresponding gTLDs. According to evidence provided by the Complainants, the Respondent registered four other domain names (<metaquest.how>, <metaquest.sc>, <metaquest.skin> and <metaquest.wedding>) which were all identical to the META QUEST trademark in a variety of other TLDs, and he used them to resolve to landing pages merely to offer them for sale, which is similar or identical to the way in which he formerly used the disputed domain names in the present proceeding. A prior UDRP panel found that the Respondent had registered and was using four domain names in bad faith. See *Meta Platforms, Inc., Meta Platforms Technologies, LLC v. 文进//* (*supra*). The Panel finds that the registration and use of these four domain names plus the eight disputed domain names at issue in this proceeding constitutes a pattern of conduct. See [WIPO Overview 3.0](#), section 3.1.2. Accordingly, the Panel finds that the facts of this case fall within the circumstances described in paragraph 4(b)(ii) of the Policy.

The Panel notes that the use of the disputed domain names has recently changed and that they no longer resolve to any active website. This change of use does not alter the Panel's conclusion; if anything, it may be a further indication of bad faith.

Therefore, the Panel finds that all disputed domain names have been registered and are being used in bad faith. The Complainant has satisfied the third element in paragraph 4(a) of 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 names <metaquest.cash>, <metaquest.chat>, <metaquest.cloud>, <metaquest.club>, <metaquest.life>, <metaquest.news>, <metaquest.top> and <metaquest.work> be transferred to the First Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: August 17, 2023