

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. and Meta Platforms Technologies, LLC v. Onyema Okwudili Nwankwo
Case No. D2023-2625

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 Onyema Okwudili Nwankwo, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <metaquestgaming.xyz> (the “Disputed Domain Name”) is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 19, 2023. On June 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 20, 2023, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 22, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on June 27, 2023.

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 July 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 28, 2023.

The Center appointed Nicholas Weston as the sole panelist in this matter on August 28, 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. (“Meta”) is a United States social technology company that operates a number of businesses including Facebook, Instagram, Meta Quest (formerly Oculus), and WhatsApp. The Complainant Meta Platforms Technologies, LLC is a wholly-owned subsidiary of Meta. The Complainants are hereinafter collectively referred to as “the Complainant.” The Complainant holds a portfolio of registrations for the trademarks META, QUEST and META QUEST, and variations of them, in numerous countries. An example includes United States Registration No. 5548121 for the mark META, registered on August 18, 2018 and assigned to that Complainant on October 28, 2021. An example of the trade mark META QUEST includes Mexico Registration No. 2388438 registered on April 27, 2022. An example of the trademark QUEST is United states Trademark registration No. 6279215 registered on February 23, 2021. On 28 October 2021, Meta’s Chief Technology Officer, announced that “Starting in early 2022, [users will] start to see the shift from Oculus Quest from Facebook to Meta Quest and Oculus App to Meta Quest App over time.”

The Complainant owns numerous domain names that comprise or contain the trademarks META, QUEST and META QUEST, respectively, including the domain name <meta.com>, and the domain name <questfrommeta.com>.

The Disputed Domain Name was registered on June 26, 2022. The Disputed Domain Name resolves to a parking page listing the Disputed Domain Name for sale with a “Buy now” price of USD 8,000.

5. Parties’ Contentions

A. Complainant

The Complainant cites its trademark registrations including Andorran Trademark Registration No. 43626, registered on January 3, 2022, and other registrations around the world, for the mark META, as *prima facie* evidence of ownership. The Complainant also cites its registrations for the trademark META QUEST including Emirati Trade Mark No. 369040, registered on June 10, 2022, and other registrations around the world, as *prima facie* evidence of ownership. The Complainant also cites its registrations for the trademark QUEST, including European Union Trade Mark No. 017961685, registered on June 16, 2020, as *prima facie* evidence of ownership.

The Complainant submits that the Disputed Domain Name is confusingly similar to its trademarks, for the reason that the Disputed Domain Name incorporates in its entirety the META trademark, the QUEST trademark and the META QUEST trademark and that the confusing similarity is not removed by the additional word “gaming”, or the generic Top-Level Domain (“gTLD”) “.xyz”.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, “The Respondent is not a licensee of the Complainant. The Respondent is not affiliated with the Complainant in any way. The Complainant has not granted any authorization for the Respondent to make use of its META, META QUEST and QUEST trade marks, in a domain name or otherwise” and none of the circumstances set out in paragraph 4(c) of the Policy apply. The Complainant also contends that the “the [Disputed] Domain Name redirects to a [redacted] parking page where the [Disputed] Domain Name is offered for sale with a “Buy now” price of USD 8,000... [and that]... prior UDRP panels have accepted that ... the parking of a domain name comprising third-party trade marks (in this case the Complainant’s META, META QUEST and QUEST trade marks) and listing it for sale does not amount to a *bona fide* offering of goods or services”.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy having regard to the prior use and fame of the Complainants' trademarks, and, it submits, "The [Disputed] Domain Name was registered subsequent to the Complainant's rebranding from "Oculus Quest" to "Meta Quest" The trade marks META and QUEST form a distinctive combination that is readily associated with the Complainant. The Respondent could not credibly argue that it did not have knowledge of the META, META QUEST and QUEST trade marks when registering the [Disputed] Domain Name." The Complainant also argues that "the Respondent registered the [Disputed] Domain Name primarily for the purpose of selling, renting, or otherwise transferring the [Disputed] Domain Name to the Complainant, who is the owner of the META and QUEST trade marks, or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the [Disputed] Domain Name, in bad faith."

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

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

A. Identical or Confusingly Similar

The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the marks META, QUEST and META QUEST in numerous countries. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any country (see [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition \("WIPO Overview 3.0"\)](#), section 1.2.1).

Turning to whether the Disputed Domain Name is identical or confusingly similar to the META, QUEST and META QUEST trademarks, the Panel observes that the Disputed Domain Name incorporates in its entirety the META QUEST trademark with the additional word "gaming", and that the confusing similarity is not removed by the word "gaming", or the gTLD ".xyz".

It is well established that the gTLD used as part of a domain name is generally disregarded unless the gTLD takes on special significance where it has relevance to the analysis (see *Autodesk v. MumbaiDomains*, WIPO Case No. [D2012-0286](#); *Alstom v. WhoisGuard Protected, WhoisGuard, Inc. / Richard Lopez, Marines Supply Inc*, WIPO Case No. [D2021-0859](#)). The gTLD chosen appears to have no special significance in this proceeding. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "metaquestgaming".

As the relevant marks are incorporated in their entirety and/or sufficiently recognizable in the Disputed Domain Name, in line with previous UDRP decisions, this Panel finds the Disputed Domain Name is confusingly similar to the Complainant's META, QUEST and META QUEST trademarks for purposes of UDRP standing (see [WIPO Overview 3.0](#), section 1.7).

Accordingly, the Panel finds that the Complainant has established paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy lists the ways that the Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name. The Policy also places the burden on the Complainant to establish the absence of the Respondent's rights or legitimate interests in the Disputed Domain Name. Because of the inherent difficulties in proving a negative, the consensus view is that the Complainant needs only put forward a *prima facie* case that the Respondent lacks rights or legitimate interests. The burden of production then shifts to the Respondent to rebut that *prima facie* case (see [WIPO Overview 3.0](#), section 2.1).

The Panel finds that the combined term "metaquestgaming" has no ordinary meaning other than in connection with the Complainant. Furthermore, there is no indication that the Respondent was commonly known by the terms "metaquestgaming" prior to registration of the Disputed Domain Name and the Complainant also contends that it has not licensed, permitted, or authorized the Respondent to use the trademarks. The Panel also notes that the composition of the Disputed Domain Name carries a risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1).

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and its holding and listing for sale of the Disputed Domain Name on a parking page does not amount to a *bona fide* offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

The Respondent did not submit a Response or file evidence or submissions to resist these points. This Panel therefore finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name and finds for the Complainant on the second element of the Policy.

C. Registered and Used in Bad Faith

The third element of the Policy that the Complainant must also demonstrate is that the Disputed Domain Name has been registered and used in bad faith. Paragraph 4(b) of the Policy sets out certain circumstances to be construed as evidence of both of these conjunctive requirements.

The Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name, the Panel is satisfied that the Respondent knew of the Complainant's trademarks META, QUEST and META QUEST when it registered the Disputed Domain Name (see *Meta Platforms, Inc., Meta Platforms Technologies, LLC v. 叶昭龙 (Ye Zhao Long)*, WIPO Case No. [D2022-4981](#) ("the Respondent targeted the Complainants and their well-known META and QUEST trade marks")); *Meta Platforms, Inc. and Meta Platforms Technologies, LLC v. Justin Robinson*, WIPO Case No. [D2023-0201](#) ("When combined, the trademarks META and QUEST ... form a distinctive combination that is readily associated with the Complainants").

On the issue of use, the Panel also accepts the uncontested evidence that the Disputed Domain Name was listed for sale on the aftermarket for USD 8,000, which appears likely to exceed out of pocket costs incurred by the Respondent in registering the Disputed Domain Name. Targeting of this nature is another common example of bad faith.

The Respondent has failed to supply any evidence or submissions to resist the Complaint (see [WIPO Overview 3.0](#), section 4.10). In the circumstances, this Panel accepts the Complainant's evidence and finds that the Respondent has taken the Complainant's trademarks META, QUEST and META QUEST and incorporated them into the Disputed Domain Name, without the Complainant's consent or authorization, for the likely purpose of capitalizing on the reputation of the trademarks to infringe upon the Complainant's rights.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) 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 Name, <metaquestgaming.xyz>, be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: September 11, 2023