

## **ADMINISTRATIVE PANEL DECISION**

### **Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Milen Radumilo Case No. D2023-2657**

#### **1. The Parties**

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

The Respondent is Milen Radumilo, Romania.

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

The disputed domain name <meta-quest.pro> is registered with Dynadot, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 20, 2023. On June 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 21, 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 (Redacted For Privacy) and contact information in the Complaints. 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 Complainants 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 June 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 18, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 19, 2023.

The Center appointed James Wang as the sole panelist in this matter on August 8, 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 known as “Facebook Inc.”) is a United States social technology company, and operates, *inter alia*, Facebook, Instagram, Meta Quest (formerly Oculus), Portal, and WhatsApp. The First Complainant announced its change of name to Meta Platforms Inc. on October 28, 2021, and this was publicized worldwide.

The Second Complainant (formerly known as “Facebook Technologies, LLC”) is a wholly-owned subsidiary of the First Complainant and the intellectual property rights holder for various technologies owned by the First Complainant. The Second Complainant is a distributor of various virtual reality (“VR”) headsets, including the “Meta Quest” VR headsets.

The Complainants own numerous trademark registrations for META and QUEST respectively in various jurisdictions, including the following:

- United States Trademark No. 5548121 for META, registered on August 28, 2018 and assigned to the First Complainant on October 26, 2021;
- United States Trademark No. 6279215 for QUEST, registered on February 23, 2021;
- European Union Trademark No. 017961685 for QUEST, registered on June 16, 2020; and
- Chinese Trademark No. 33818197 for QUEST, registered on June 14, 2019.

The Complainants maintain a strong online presence on various social media platforms, such as Facebook, Twitter, Instagram, YouTube and LinkedIn.

The Complainants hold numerous domain names consisting of or incorporating the META and QUEST trademarks.

The disputed domain name was registered on November 24, 2022. At the time of deciding of the present case, the disputed domain name does not resolve to any active website.

#### **5. Parties’ Contentions**

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

The Complainants contend as follows:

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

The Complainants requested that the disputed domain name be transferred to the First Complainant.

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

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

## 6. Discussion and Findings

### 6.1 Procedural Issues - Multiple Complainants

The Complaint was filed by two Complainants against a single Respondent. The Complainants argue that the consolidation of multiple complainants is appropriate in the present case.

Neither the Policy nor the Rules expressly provides for or prohibits the consolidation of multiple complainants. In this regard, section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") 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. The Second Complainant is a wholly-owned subsidiary of the First Complainant. The First Complainant is the registered owner of the abovementioned META trademark. The Second Complainant is the registered owner of the abovementioned QUEST trademark and the beneficial owner of the two trademarks as it distributes virtual reality ("VR") headsets under the brand of "Meta Quest".

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

### 6.2 Substantive Findings

According to paragraph 4(a) of the Policy, the Complainants must prove that:

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

#### A. Identical or Confusingly Similar

The Panel accepts that the Complainants have proved rights over the META and QUEST trademarks. Further, noting the global nature of the Internet and Domain Name System, the jurisdiction(s) where the trademark is valid is not considered relevant to panel assessment under the first element. See [WIPO Overview 3.0](#), section 1.1.2.

The disputed domain name incorporates the trademarks META and QUEST in their entirety. As the META and QUEST trademarks are recognizable within the disputed domain name, the disputed domain name is confusingly similar to the Complainants' trademarks. The addition of the hyphen into the disputed domain name does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8.

It is well accepted by UDRP panels that the applicable Top Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The practice of disregarding the TLD in determining identity or confusing similarity is applied irrespective of the particular TLD. See [WIPO Overview 3.0](#), section 1.11.

The Panel therefore finds that the Complaint has satisfied paragraph 4(a)(i) of the Policy.

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

Proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, 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 [WIPO Overview 3.0](#), section 2.1.

The Complainants have proved that they hold rights over the META and QUEST trademarks and claim that the Respondent has no legitimate reason to acquire and use the disputed domain name. There is no evidence that the Respondent is using the disputed domain name in connection with a *bona fide* offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain name. Furthermore, the nature of the disputed domain name, comprising the Complainants’ trademarks in their entirety, cannot be considered fair as it falsely suggests an affiliation with the Complainants that does not exist.

The Panel finds that the Complainants have made a *prima facie* case that the Respondent lacks rights or legitimate interests, and the Respondent failed to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel therefore finds that the Complaint has satisfied paragraph 4(a)(ii) of the Policy.

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

The Complainants’ registration and use of the META and QUEST trademarks predate the date on which the Respondent registered the disputed domain name. The registration of the disputed domain name under the generic Top-Level-Domain (“gTLD”) “.pro”, corresponding to the Complainants’ product name Meta Quest Pro, supports the inference that the Respondent registered the disputed domain name in an effort to target the Complainants. Under these circumstances, and also given the distinctiveness of the Complainants’ trademarks, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainants’ trademarks, and to target those trademarks.

According to the Complaint, at the time of filing of the Complaint, the disputed domain name was subject to dynamic redirection, whereby Internet users were redirected to various websites advertising third-party goods or services. Beyond the use of the disputed domain name for dynamic redirection, there is no evidence of the Respondent having made demonstrable preparations to use the disputed domain name. The Respondent failed to bring evidence to the contrary. The Panel therefore finds that the Respondent is using the disputed domain name in bad faith.

The Panel notes that the use of the disputed domain name has recently changed and that it is no longer subject to dynamic redirection and does not resolve to any active website. This change does not alter the Panel’s conclusion.

The Panel finds that the Complaint has satisfied 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 <meta-quest.pro> be transferred to the First Complainant.

*/James Wang/*

**James Wang**

Sole Panelist

Date: August 22, 2023