

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Lin Ya Case No. D2023-2780

1. The Parties

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

The Respondent is Lin Ya, China.

2. The Domain Name and Registrar

The disputed domain name <metaquest.app> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 29, 2023. On June 30, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 30, 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 Complaint. The Center sent an email communication to the Complainant on July 4, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 9, 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 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 31, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on August 1, 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 is a world-renowned social technology company, which was formerly known as Facebook, Inc. until October 28, 2021, when it changed its name. The Complainant owns many trademark registrations for META and QUEST either registered together or separately such as United States registration no. 5,548,121 for META assigned to the Complainant on October 26, 2021, and registered on August 28, 2018, United States registration no. 6279215 for QUEST registered on February 23, 2021, and Hong King, China registration no. 305847175 for META QUEST registered on August 11, 2022.

The disputed domain name was registered by on January 5, 2023, and resolves to a registrar parking website, where it is offered for sale for USD 14,999.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark. The Complainant owns numerous trademark registrations for META, QUEST and META QUEST. The disputed domain name consists of the Complainant's trademark or trademarks. The generic Top-Level Domain ("gTLD") ".app" is not relevant in the assessment of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not using the disputed domain name in connection with any *bona fide* offering of goods or services. The Complainant did not authorize the Respondent to use its trademark in the disputed domain name nor is the Respondent affiliated with the Complainant or is it a licensee of the Complainant. The disputed domain name resolves to a website that is offered for sale, which is not a *bona fide* use. There is no evidence of the Respondent having made demonstrable preparations to use the disputed domain name. The Respondent is not commonly known by the disputed domain name as there is no evidence to suggest so. The name of the Respondent was redacted. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name as it is offered for sale and the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademarks META and QUEST are well-known and the change of the Complainant's name attracted significant media attention internationally. Prior UDRP panels have recognized the strength of the Complainant's trademarks. A simple Google search will reveal the Complainant's trademarks. The Respondent had the Complainant's trademarks in mind when registering the disputed domain name. The price at which the disputed domain name is being offered for sale supports an inference of bad faith. There can be no good faith use and the disputed domain name is not being use except to be offered for sale.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for META, QUEST and META QUEST. The Panel is satisfied that the Complainant has established its ownership of the trademarks META, QUEST and META QUEST. The disputed domain name incorporates the Complainant's trademarks META, QUEST and META QUEST in their entirety. The gTLD ".app" can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is identical to the META QUEST trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts, *inter alia*, that the Respondent is not authorized by the Complainant to use its trademarks and the Respondent is not commonly known by the disputed domain name. Therefore, the Complainant has established a *prima facie* case, and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

The Respondent has not provided any evidence to show that it has any rights or legitimate interests in the disputed domain name. The absence of a response by the Respondent allows the Panel to draw inferences, and under the circumstances, the absence of a response leaves the Complainant's *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name unrebutted. The current passive use of the disputed domain name does not confer any rights or legitimate interests. Moreover, the nature of the disputed domain name carries a high risk of implied affiliation.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Respondent must have been aware of the Complainant's trademarks as they are well-known and they predate the registration of the disputed domain name.

Prior UDRP panels have recognized that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can itself create a presumption of bad faith. See section 3.1.4 of the WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Noting the Respondent's failure to provide any good-faith explanation for his registration, the composition of the disputed domain name and the offer of the disputed domain name for sale at a figure that is likely to exceed the out-of-pocket costs, the Panel finds that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant 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 <metaquest.app> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: August 15, 2023