

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Sean Weisenburger  
Case No. D2023-2837

### **1. The Parties**

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

The Respondent is Sean Weisenburger, United States.

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

The disputed domain name <themetaquestpro.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2023. On July 4, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 5, 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 (Registration Private, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 6, 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 10, 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 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 2, 2023. The Respondent sent an informal email communication on July 10, 2023. The Center sent the Parties an email on July 11, 2023, informing them of the possibility to suspend the proceeding for settlement discussions. The Complainant confirmed on July 12, 2023, that they do not want to suspend the proceeding. The Respondent sent an informal email communication on August 3, 2023. Accordingly, the Center informed the Parties of its commencement of Panel appointment process on August 7, 2023.

The Center appointed William F. Hamilton as the sole panelist in this matter on August 22, 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 technology company that operates Facebook, Instagram, Meta Quest (formerly Oculus), WhatsApp, and Threads.

Meta owns numerous registrations around the world for the mark META, including United States Trademark Registration No. 5548121, registered on August 28, 2018, and assigned to Meta on October 26, 2021.

The Complainant Meta Platforms Technologies, LLC (“Technologies”) is a wholly owned subsidiary of Meta and is the intellectual property rights holder for various technologies owned by Meta. Technologies owns numerous registrations around the world for the mark QUEST, including United States Trademark Registration No. 6279215, registered on February 23, 2021.

The META and QUEST marks may be referred to herein collectively as the “Marks”. Meta and Technologies may be referred to collectively herein as the “Complainants.”

The Respondent registered the disputed domain name on July 6, 2022. The disputed domain name resolves to a parking website with pay-per-click (“PPC”) links.

#### **5. Parties’ Contentions**

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

The Complainants assert the disputed domain name is confusingly similar to the Marks because the disputed domain name is composed of the Marks coupled with the prefix “the” and the suffix “pro.” The Complainants assert that the Complainants never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, never operated a business under the disputed domain name, has not advertised the disputed domain name, and never engaged in any *bona fide* commercial activity in connection with the disputed domain name. The Complainants assert that the Respondent knew or should have known of the Marks with reasonable investigation and registered and used the disputed domain name in bad faith.

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

The Respondent did not formally reply to the Complainants’ contentions. After the Complainant filed the Complaint, the Respondent sent emails to the Center disavowed any knowingly wrongful conduct, offered to transfer the disputed domain name to the Complainant, and asserted the Respondent did not see the Complainant’s cease and desist communication sent prior to the filing of the Complaint.

#### **6. Discussion and Findings**

##### **Consolidation:**

The Complainants have jointly brought this proceeding against the Respondent because the Complainants are related business organizations and this proceeding involves trademarks owned by each of the Complainants. The Respondent has not contested consolidation. The Panel finds that the Complainants’ arguments are well-taken. The Panel accepts the consolidated Complaint against the Respondent regarding the disputed domain name.

## Policy Requirements:

Under paragraph 4(a) of the Policy, to succeed the Complainants must satisfy the Panel that:

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

### A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to the Complainants' Marks. The disputed domain name is composed of the Marks and the prefix "the" and the suffix "pro". A domain name which wholly incorporates a complainant's registered mark is sufficient to establish confusingly similarity for the purposes of the Policy when, as here, the Marks are clearly recognizable within the disputed domain name notwithstanding the addition of the prefix "the" and the suffix "pro". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8 ("where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"). In this case, the Marks are clearly recognizable in the disputed domain name.

The generic Top-Level Domain of the disputed domain name, in this case ".com", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1. *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#).

The Complainants have met their burden under paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

The Panel finds on the evidence presented that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainants have specifically disavowed providing the Respondent with permission to use the disputed domain name or the Marks. There is no evidence that the Respondent has conducted any *bona fide* business under the disputed domain name or is commonly known by the disputed domain name. The Complainants have established a *prima facie* case in their favor, which shifts the burden of production of evidence on this point to the Respondent. The Respondent, however, has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name. Moreover, the disputed domain name resolves to a parking website that will likely confuse unsuspecting Internet users into believing the disputed domain name would resolve to a website associated, sponsored, or affiliated with the Complainants.

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainants have met their burden under paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following non-exhaustive scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

- (ii) the respondent has registered the 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; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds on the evidence presented that the disputed domain name was registered and used in bad faith.

A simple Internet search, which should normally be undertaken when before registering a domain name would have quickly disclosed the Marks. Moreover, the Marks are well-known in the United States where the Respondent resides. It strains credulity to believe that the Respondent innocently and unknowingly utilized both Marks bracketed with the prefix "the" and a suffix "pro" when composing the disputed domain name. The Panel finds that the Respondent was aware of the Complainants' well-known Marks when registering and using the disputed domain name to confuse unsuspecting Internet users into believing that the Complainants sponsor, are affiliated with, or endorse of the Respondent's website.

The disputed domain name resolves to a parking website with PPC links. The Respondent's bad faith registration and use is further evidenced by the Respondent's:

- lack of rights or legitimate interests in the disputed domain name,
- the adoption of both Marks in the disputed domain name,
- failure to respond to the Complainants' cease and desist directive sent prior to the filing of the Complaint,
- failure to formally respond to the amended Complaint, and
- concealing the Respondent's identify by utilizing a privacy service when initially registering the disputed domain name.

The Respondent's correspondence with the Center and the Complainant after the filing of the Complaint does not militate the above findings under the Policy.

The Complainants have met their burden under 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 <themetquestpro.com> be transferred to the Complainant Meta Platforms, Inc.

*/William F. Hamilton/*

**William F. Hamilton**

Sole Panelist

Date: September 4, 2023