

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Onyema Nwankwo

Case No. D2023-2871

### **1. The Parties**

The Complainant is Meta Platforms, Inc., and Meta Platforms Technologies, LLC, United States of America (“U.S.”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Onyema Nwankwo, Nigeria.

### **2. The Domain Names and Registrars**

The disputed domain names <metaquestpro.online> and <metaquestpro.xyz> are registered with Dreamscape Networks International Pte Ltd (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 5, 2023. On July 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 10, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown Registrant) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 13, 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 18, 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 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 10, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on August 15, 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 known as Facebook, Inc. until October 28, 2021, when it changed its name to Meta Platforms Inc. The Complainant owns many trademark registrations for META and QUEST, either registered together or separately, such as U.S. registration no. 5,548,121 for META registered on August 28, 2018, and U.S. registration no. 6,279,215 for QUEST registered on February 23, 2021.

The disputed domain names were registered on July 10, 2022. The disputed domain name <metaquestpro.online> resolves to parked website and the disputed domain name <metaquestpro.xyz> is offered for sale at USD 9,900.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademark. The Complainant owns numerous trademark registrations for META, QUEST and META QUEST. The disputed domain names wholly incorporate the Complainant's trademark or trademarks with the addition of the term "pro". The trademarks of the Complainant remain recognizable. The addition of the term "pro" does not prevent a finding of confusing similarity. The generic Top-Level Domains ("gTLDs") ".online" and ".xyz" are not relevant in the assessment of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not using the disputed domain names 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 names nor is the Respondent affiliated with the Complainant or a licensee thereof. The disputed domain names resolve to parking pages which does not amount to a *bona fide* use. The disputed domain name <metaquestpro.xyz> is offered for sale at USD 9,900. There is no evidence of the Respondent having made demonstrable preparations to use the domain names. The Respondent is not commonly known by the disputed domain names as there is no evidence to suggest so. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain names as <metaquestpro.xyz> is offered for sale and <metaquestpro.online> resolves to a parking page, which is passive holding. Also, the composition of the domain names carries a risk of implied affiliation with the Complainant.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. The Complainant's trademarks META, QUEST and METAQUEST are well-known and form a distinctive combination. The disputed domain name <metaquestpro.xyz> is offered for sale, which supports an inference of opportunistic registration. The disputed domain name <metaquestpro.online> resolves to a parking page. Passive holding does not prevent a finding of bad faith.

##### **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 and QUEST. The Panel is satisfied that the Complainant has established its ownership of the trademarks META and QUEST. The disputed domain names incorporate the Complainant's trademarks META and QUEST in their entirety. The term "pro" does not eliminate confusing similarity as the Complainant's trademarks remain recognizable. The gTLDs ".online" and ".xyz" can be ignored when assessing confusing similarity as they are a standard registration requirement.

Consequently, the Panel finds that the disputed domain names are confusingly similar to the 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 trademark and the Respondent is not commonly known by the disputed domain names. 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 names. 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 names unrebutted. The passive use and the offer for sale of the disputed domain names does not confer any rights or legitimate interests.

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 names. 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 names.

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 Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The disputed domain name <metaquestpro.online> resolves to a parked website. Prior UDRP panels have found that passive holding does not prevent a finding of bad faith if the totality of circumstances supports an inference of bad faith. See section 3.3 of the [WIPO Overview 3.0](#). Noting the concealment of the Respondent's identity using a privacy service, the Respondent's failure to provide any good-faith explanation for his registration, the use of the inherently misleading disputed domain names, the Panel finds that the passive holding of the disputed domain names does not prevent the Panel's bad faith finding.

The offer of the disputed domain name <metaquestpro.xyz> for sale at a figure that presumably far exceeds the out-of-pocket costs constitutes evidence of a respondent's bad faith, paragraph 4(b)(i) of the Policy.

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 names, <metaquestpro.online> and <metaquestpro.xyz> be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: August 29, 2023