

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Taha Abdollah  
Case No. D2023-3297

### **1. The Parties**

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

The Respondent is Taha Abdollah, Germany.

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

The disputed domain name <metaquest.website> is registered with West263 International Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 1, 2023. On August 1, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 1, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 3, 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 August 11, 2023.

The Center sent an email communication in English and German to the Parties on August 3, 2023, regarding the language of the proceeding, as the Complaint has been submitted in English and the language of the registration agreement for the disputed domain name is German. The Complainants submitted a request for English to be the language of the proceeding on August 4, 2023. The Respondent did not expressly take position on the language of the proceeding, but it sent e-mail communications in English to the Center on August 3, August 11, August 18, and September 8, 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 August 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 5, 2023. The Respondent sent informal communications to the Center on August 3, August 11, August 18, and September 8, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified the parties that it would proceed to panel appointment on September 8, 2023.

The Center appointed Andrea Mondini as the sole panelist in this matter on September 13, 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 Complainants are Meta Platforms, Inc. (formerly Facebook, Inc.) (“Meta”) together with its subsidiary Meta Platforms Technologies, LLC (formerly Facebook Technologies, LLC) (“Meta Platforms Technologies”), collectively referred to as the “Complainant”.

The Complainant is a United States social technology company, and operates, *inter alia*, Facebook, Instagram, Meta Quest (formerly Oculus), and WhatsApp. The Complainant, formerly known as Facebook Inc., announced its change of name to Meta Platforms Inc. on October 28, 2021, and this was publicized worldwide.

The Complainant owns numerous trademarks for META, META QUEST, and QUEST in many jurisdictions throughout the world, including:

- United States Trademark Registration No. 5548121, META, registered on August 28, 2018, assigned to the Complainant on October 26, 2021;
- United States Trademark Registration No. 6279215, QUEST, registered on February 23, 2021;
- European Union Trade Mark No. 017961685, QUEST, registered on June 16, 2020; and
- Mexico Trademark Registration No. 2388438, META QUEST, registered on April 27, 2022.

The Complainant also holds several domain names, including the domain name <meta.com>.

The disputed domain name was registered January 17, 2023.

The record shows that the disputed domain name resolved to a parking page listing the Domain Name for sale with a “Buy Now” price.

The Complainant’s lawyers sent an email to the Registrar, requesting the Registrar to forward a cease and desist letter to the registrant. No response was received.

#### **5. Parties’ Contentions**

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

The Complainant contends as follows:

The disputed domain name is identical or confusingly similar to the META, META QUEST, and QUEST trademarks in which the Complainant has rights, because it incorporates these trademarks in their entirety,

and the addition of the word “website” is not sufficient to avoid confusing similarity. It is also well established that the Top-Level Domain (“TLD”), such as “.website,” in a disputed domain name is disregarded. The disputed domain name comprises the Complainant’s META QUEST trademark in its entirety, without addition, simply omitting the space between the elements “meta” and “quest” (a space being incapable of representation per se in a domain name).

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The marks META, META QUEST, and QUEST are associated with the Complainant, since the trademarks META, META QUEST and QUEST has been extensively used to identify the Complainant and its services. The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, and there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in connection with a *bona fide* offering of goods and services.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its famous trademarks META, META QUEST, and QUEST at the time it registered the disputed domain name.

The disputed domain name was used in bad faith because it resolved to a parking page listing the Domain Name for sale with a “Buy Now” price. The lack of use and offering for sale a domain name that coincides with a famous trademark owned by someone else constitutes use in bad faith.

## **B. Respondent**

The Respondent did not submit a formal response to the Complainant’s contentions. On August 3, 2023, in reply to the Center’s Language of Proceedings communication, the Center received two email communications stating: “Ok I will delete the Domain but I do not know that it is registered as a trademark!!!” and “Ok but this Domain included meta words and when I listed for sale it doesn’t remove it from the platform or receive a trademark notice, you understand? Do I have to delete it or do you want the Auth code?”. The Center received a further email on August 11, 2023, with an incomplete version of the Center’s standard settlement form. On August 18, 2023, the Center received an email stating: “I have the attached the settlement form in the anhang”. However, the attachment did not include the full settlement but just a screenshot of part of a page with the signature “Abdollah” without any further text.

## **6. Discussion and Findings**

### **6.1. Language of the Proceeding**

In the present case, German is the language of the registration agreement. Pursuant to paragraph 11 of the Rules, unless otherwise agreed by the parties, the default language of the proceeding is the language of the registration agreement, subject to the authority of the panel to determine otherwise.

Paragraph 10 of the Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality, and that each party is given a fair opportunity to present its case.

The Complainant filed the Complaint in English. On August 4, 2023, the Complainant submitted a request for English to be the language of the proceeding. The Respondent did not comment on this request but sent various emails in English to the Center, supporting an inference that the Respondent can communicate in English. Therefore, the Panel determines that the language of the proceeding is English.

### **6.2 Substantive Issues**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (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 is satisfied that the Complainant has trademark rights by virtue of the registrations it owns for its META, META QUEST, and QUEST trademarks.

The Panel notes that the disputed domain name <metaquest.website> incorporates the META, META QUEST, and QUEST trademarks in their entirety. The omission of the space between the elements “meta” and “quest” does not avoid identity or confusing similarity. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7. The addition of the generic Top-Level Domain (“gTLD”) “.website” in the disputed domain name is a standard registration requirement and as such is disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). See [WIPO Overview 3.0](#)), section 1.11.1.

For these reasons, the Panel concludes that the disputed domain name is identical to the Complainant’s mark META QUEST and is confusingly similar to the Complainant’s marks META and QUEST.

The first element of paragraph 4(a) of the Policy has been met.

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

The Complainant states it has not authorized the Respondent to use the trademarks META, META QUEST, and QUEST and that before notice of the dispute, there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in good faith. The Panel does not see any contrary evidence from the record. In particular, the Panel holds that the Respondent’s use of the disputed domain names to offer it for sale on a parking site this cannot be deemed a *bona fide* or legitimate use.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent did not respond to the Complainant’s arguments and thus failed to provide any explanations as to any rights or legitimate interests. To the contrary, the Respondent’s communications with the Center imply that the Respondent admits that he has no rights or legitimate interest in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising the Complainant’s famous trademarks and the gTLDs “website”, carries a risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy has been met.

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

The Complainant has shown to the satisfaction of the Panel that its META, META QUEST, and QUEST trademarks are well known throughout the world. In the view of the Panel, noting that the Complainant’s trademark predates the registration of the disputed domain name and the nature and fame of the disputed domain name, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s well-known trademarks. In the circumstances of this case, this is evidence of registration in bad faith.

The disputed domain name resolves to a parked page, where the disputed domain name is offered for sale. Accordingly, it appears that the Respondent registered the disputed domain name primarily for the purpose of selling it, likely at a price in excess of its out-of-pocket expenses, which is *prima facie* bad faith pursuant to paragraph 4(b)(i) of the Policy. Further, the Panel notes the reputation of the Complainant's trademark, and the Respondent's failure to submit a response or provide any evidence of actual or contemplated good faith use. Furthermore, it is inconceivable that the Respondent could make any good faith use of the disputed domain name.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

## **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.website>, be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: September 25, 2023