

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Xue
Case No. D2023-3332

1. The Parties

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

The Respondent is Xue, China.

2. The Domain Name and Registrar

The disputed domain name <metaquest.site> (the “Domain Name”) 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 August 2, 2023. On August 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 3, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to Complainants on August 7, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on August 11, 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 Respondent of the Complaint, and the proceedings commenced on August 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 4, 2023.

The Center appointed Mireille Buydens as the sole panelist in this matter on September 12, 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

Complainant Meta Platforms, Inc. (“Meta”) is a technology company that operates Facebook, Instagram, Meta Quest (formerly Oculus) and WhatsApp. Meta, formerly known as Facebook Inc. publicly announced its change of name to Meta Platforms Inc on October 28, 2021.

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

Complainant Meta Platforms Technologies, LLC (“Meta Technologies”) is a wholly owned subsidiary of Meta and is the intellectual property rights holder for various technologies owned by Meta. Meta Technologies owns numerous registrations around the world for the mark QUEST, including United States Trademark Registration No. 6279215 for QUEST, registered on February 23, 2021; the European Union Trademark no 017961685 for QUEST, registered on June 16, 2020; the Hong Kong, China Trademark Registration No. 305847175 for Meta Quest, registered on 11 August 2022; the China Trademark Registration No. 3381897 for QUEST, registered on 14 June 2019; and the Australian trademark registration nà.2240066 for META QUEST registered on October 17, 2022.

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

Respondent registered the Domain Name on January 17, 2023. According to Complainants, the Domain Name redirects to a Dan.com parking page where it is listed for sale with a “Buy Now” price of USD 400. At the date of this decision, the Domain Name redirects to the Dan.com parking site with the following sentence: “Hum, this page is gone. This domain listing is deleted. The domain might become available for sale again in the future. Check back later.”

5. Parties’ Contentions

A. Complainant

Complainants contend that the disputed domain name is identical or confusingly similar to the Complainants’ trademarks. Complainants owns numerous trademark registrations for META, QUEST, and META QUEST. The Domain Name consists of Complainants’ Trademarks (as it includes the trademark META, the trademark QUEST and the trademark META QUEST with the omission of the space between the two parts of the latter trademark). The generic Top-Level Domain (“gTLD”) “.site” may be disregarded for purposes of assessing confusing similarity as it is viewed as standard requirement of registration.

Complainants contend that Respondent has no rights or legitimate interests in the Domain Name. Complainants asserts that Respondent is not using the Domain Name in connection with any *bona fide* offering of goods or services, nor that Respondent has made preparations to use the Domain Name in that regard. Respondent is not a licensee of Complainants, has not been authorized and is not affiliated with Complainants in any way. The Domain Name redirects to a Dan.com parking site listing it for sale, which is not a *bona fide* use. The Domain Name is composed of a combination of terms that are exclusively associated with Complainants, thereby creating confusion with Complainants’ Trademarks.

Further, Complainants contend that Respondent is not commonly known by the Domain Name as there is no evidence to suggest so. There is no evidence of Respondent having acquired or applied for any trademark registration for "METAQUEST" or any variation thereof.

Respondent is not making a legitimate noncommercial or fair use of the Domain Name as it is offered for sale and the composition of the Domain Name (incorporating Complainants' Trademarks) carries a high risk of implied affiliation with the Complainant.

Complainants contend that the Domain Name was registered and used in bad faith. Complainants' trademarks META, QUEST, and META QUEST are well-known and the change of the Complainants' name attracted significant media attention internationally. Prior UDRP panels have recognized the strength of the Complainants' trademarks. All top results obtaining by typing META QUEST in Google refer to Complainants. The Domain Name was registered subsequent to the rebranding from "Oculus Quest" to "Meta Quest" and Respondent cannot reasonably argue that it did not have knowledge of the META, QUEST and META QUEST knowledge when registering the Domain Name. Respondent did not respond to Complainants' lawyers with evidence of any actual or planned good-faith use of the Domain Name. Furthermore, Complainants submit that Respondent's parking of the Domain Name and listing it for sale via Dan.com supports the inference that Respondent registered the Domain Name in bad faith, primarily for the purpose of selling it to Complainants or a third party for valuable consideration in excess of Respondent's documented out-of-pocket costs directly related to the Domain Name. Complainants further consider that the registration of the Domain Name by Respondent represents an abusive threat over the head of Complainants and therefore a continuing abusive use. Respondent's failure to reply to Complainants pre-Complaint notice is a further indicator of Respondent's bad faith.

B. Respondent

Respondent did not reply to Complainants' contentions.

6. Discussion and Findings

Consolidation

Complainants request consolidation in accordance with paragraph 10 of the UDRP Rules, which grants a panel the power to consolidate multiple domain name disputes (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1).

Complainants have jointly brought this proceeding against Respondent because Complainants are related business organizations and this proceeding involves Trademarks owned by each of the Complainants. Complainants have been target of common conduct by Respondent who has engaged in bad faith registration of the Domain Name comprising their Trademarks. The Respondent has not contested consolidation.

The Panel finds Complainants' arguments are well-taken. The Panel accepts the consolidated Complaint against Respondent regarding the Domain Name.

Policy Requirements

Paragraph 4(a) of the Policy provides that Complainant prove each of the following three elements in order to succeed in its Complaint:

- (i) the 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 Domain Name;
- (iii) the Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Complainants have established that they are the owners of the Trademarks. The registrations of the Trademarks predate the registration of the Domain Name.

The Panel finds that the Domain Name is confusingly similar to Complainants' Trademarks. The Domain Name is composed of the Trademarks as it incorporates the Trademark META, the Trademark QUEST and the Trademark META QUEST (omitting the space between META and QUEST). A domain name which wholly incorporates a complainant's registered trademark is sufficient to establish confusingly similarity for the purposes of the Policy when, as here, the Trademarks are clearly recognizable within the Domain Name (see WIPO Overview of 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 Trademarks are clearly recognizable in the Domain Name.

The generic Top-Level Domain of the Domain Name, in this case ".site", is viewed as a standard registration requirement and is as such disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1.).

As a result, the Panel finds that Complainants have met their burden under 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. 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.).

In the Panel's opinion, Complainants' submissions set out above under 5.A give rise to a *prima facie* case that Respondent has no rights or legitimate interests in respect of the Domain Name.

There is no evidence that Respondent is affiliated with or authorized by Complainants in any way. There is also no evidence that Respondent has conducted any *bona fide* business under the Domain Name or is commonly known by the Domain Name. Complainants have established a *prima facie* case in their favor, which shifts the burden of production of evidence on this point to Respondent. The absence of a response by Respondent allows the Panel to draw inferences, and under the circumstances, the absence of a response leaves Complainants' *prima facie* case that Respondent lacks rights or legitimate interests in the Domain Name unrebutted. Moreover, the Panel finds that the Domain Name is inherently misleading (see [WIPO Overview 3.0](#), section 2.5.1).

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

C. Registered and Used in Bad Faith

Respondent must have been aware of Complainants' Trademarks as they are well-known and they predate the registration of the Domain Name. A simple Internet search, before registering the Domain Name would have quickly disclosed the Trademarks. Complainants have provided evidence that QUEST is used on the Chinese website Baidu and the QUEST Trademark is also registered in China, where Respondent resides. It strains credulity to believe that Respondent never heard of the Trademarks and innocently and unknowingly utilized Complainants' Trademarks when composing the Domain Name. The Panel finds that Respondent was aware of the Complainants' well-known Trademarks when registering and using the 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 Overview 3.0](#) that states that “the mere registration of a domain name that is identical or confusingly similar (particularly domain name comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith”.)

Respondent's bad faith registration and use is further evidenced by the offering for sale of the Domain Name at a figure that is likely to exceed the out-of-pocket costs, the failure to respond to Complainants' notice on April 17, 2023, and the failure of Respondent to submit a response or to provide any evidence of actual or contemplated good faith use of the inherently misleading Domain Name.

Based on the evidence and circumstances of this case, the Panel concludes that the requirement of registration and use of the Domain Name in bad faith under paragraph 4(a)(iii) of the Policy has been fulfilled.

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 Domain Name <metaquest.site> be transferred to the Complainants.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: September 29, 2023