

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Mustapha Ouzidane
Case No. D2023-4292

1. The Parties

The Complainant is Meta Platforms, Inc., United States of America (“United States” or “US”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Mustapha Ouzidane, Morocco.

2. The Domain Names and Registrar

The disputed domain names <metaverified.online> and <metaverified.store> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 16, 2023, initially related only to the disputed domain name <metaverified.online>. On October 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 18, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 18, 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 October 25, 2023, requesting the addition of the <metaverified.store> domain name into the dispute. On the same date, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <metaverified.store>. On October 18, 2023, the Registrar transmitted by email to the Center its verification confirming that the Respondent is listed as the registrant and providing the contact details.

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 November 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 23, 2023.

On October 18, 20, 26 and November 3 and 14, 2023, the Respondent sent emails communications to the Center. On October 18, the Center sent an email communication to the Parties inquiring on their wish for suspension of the proceedings for settlement discussions. On October 25, 2023, the Complainant sent an email communication to the Parties informing it wished proceedings to continue.

The Center appointed Karen Fong as the sole panelist in this matter on November 30, 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, formerly known as Facebook, Inc. is a social technology company which operates the following social media platforms - Facebook, Instagram, Meta Quest (formerly Oculus) and WhatsApp. The Complainant's focus is to bring the metaverse to life and to help people connect, find communities, and grow businesses. The Complainant launched its META brand on October 28, 2021, which is the day it changed its name from Facebook, Inc. to Meta Platforms, Inc. The Complainant's platforms Facebook, Instagram and WhatsApp are well-known leading online social media and social networking services.

On February 19, 2023, the Complainant launched a new subscription service known as "Meta Verified", which allows verified users to add a blue check mark to their Instagram and Facebook accounts for a monthly fee, and offers benefits such as increased visibility, improved protection against impersonation attacks and direct access to customer support. This new offering is now available in many countries worldwide.

The Complainant has (or is the assignee of) trade mark registrations for META all over the world including the following:

- US Trade Mark Registration No. 5548121 for META, registered on August 28, 2018, and assigned to the Complainant on October 26, 2021
- Moroccan Trade Mark Registration No. 235821 for META registered on March 18, 2022
- Andorran Trade Mark Registration No. 43626 for META registered on January 3, 2022

(together, individually and collectively referred to as the "Trade Mark").

The Respondent appears to be based in Morocco. The disputed domain names were registered under privacy on February 19, 2023, the same dates as the Complainant's press release launching its "Meta Verified" subscription service. The disputed domain names redirected to "www.Dan.com" parking pages where they were listed for sale with <metaverified.store> being offered for a "Buy Now" price of USD 2,000 and <metaverified.online> with a "Buy Now" price varying from USD 1,500 to 7,000. At the time of this Decision, the disputed domain names still redirect to the website "www.Dan.com" but the sale listings were deleted after the filing of the Complaint, and no content is displayed in such. Efforts were made by the lawyers of the Complainant to contact the Respondent through the contact form prior to the filing of the Complaint but no response was received. In emails sent by the Respondent to the Center and the Complainant's lawyers, the Respondent affirmed that it "accidentally registered the disputed domain names without realizing there was a copyright issue" and it was ready to transfer the disputed domain names to the rightful owner.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain names, and that the disputed domain names were registered and are being used in bad faith. The Complainant requests transfer of the disputed domain names.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions but has responded through emails that it accidentally registered the disputed domain names and was prepared to transfer the disputed domain names to the rightful owner.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's Trade Mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the Trade Mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the other term here, "verified" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent in his willingness to transfer the disputed domain names to the “rightful owner” has confirmed that he does not have rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Moreover, the nature of the disputed domain names is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent must have been aware of the Trade Mark when the Respondent registered the disputed domain names given that the disputed domain names were registered on the same day that the “Meta Verified” service was announced globally and the disputed domain names comprise these exact same terms in their entirety. The Respondent has also admitted in its emails that the registration was accidental as it wasn’t aware that there were any legal issues impeding such registrations. The disputed domain names were clearly registered in bad faith.

The disputed domain names are also being used in bad faith. The disputed domain names were being offered for sale by the Respondent on a domain name marketplace for a sum which well exceeds the costs directly related to the registration of the disputed domain names. This is evidence that the Respondent has registered the disputed domain names primarily for the purpose of selling as set out in paragraph 4(b)(i) of the Policy.

The Respondent’s offer to transfer the disputed domain names can also be taken as an admission that the registration and use of the disputed domain names were in bad faith under the Policy.

In the circumstances, the Panel therefore concludes that the disputed domain names were registered and are being used in bad faith.

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 <metaverified.online> and <metaverified.store> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: December 18, 2023