

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc. v. Raymond Delgado, Chase Purpose Co.  
Case No. D2023-4463

### **1. The Parties**

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

Respondent is Raymond Delgado, Chase Purpose Co., United States.

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

The disputed domain name <metatechsupport.com> is registered with Tucows, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2023. On October 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 27, 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 (Contact Privacy Inc. Customer 0162897781) and contact information in the Complaint. The Center sent an email communication to Complainant on October 27, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 31, 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 November 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 21, 2023. Respondent did not submit a response to Complainant’s contentions. Accordingly, the Center notified Respondent’s default on November 24, 2023.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on November 29, 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, formerly known as Facebook, is a global provider of online social networking services. Launched in 2004, Facebook now has over 2 billion active users. Since its official change of name, which was recorded and publicly announced on October 28, 2021, Complainant has been publicly referred to under its new name and mark META.

Complainant own trademark registrations for numerous marks, including META, which Complainant uses in connection with its online social networking and related services. Registrations include, among others, U.S. Registration No. 5548121 for META (Registered on August 28, 2018, and assigned to Complainant on October 26, 2021).

The disputed domain name was registered on October 28, 2021. The disputed domain name is parked and not linked to an active website. Respondent nevertheless has no affiliation with Complainant, nor any license to use its marks.

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

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

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Complainant contends that since it issued a public announcement on October 28, 2021, Complainant received immediate global media attention regarding its corporate change of name to META. Complainant further contends that it owns rights to the META mark, of which Respondent was most certainly aware when registering the disputed domain name the very day that Complainant announced its rebranding of services under the META mark. Complainant contends that Respondent has incorporated Complainant's META mark into the disputed domain name, with the addition only of the dictionary terms "tech" and "support" – which consumers will likely associate with services such as those offered by Complainant under its own registered domain name <meta.com>.

Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent's own commercial gain.

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

Respondent did not reply to Complainant's contentions.

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

##### **A. Identical or Confusingly Similar**

The Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that it is. The disputed domain name incorporates in full Complainant's registered

META mark. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7.

Numerous UDRP panels have agreed that the addition of terms to a trademark, in this case “tech support”, does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

The Panel therefore finds that the disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights in accordance with paragraph (4)(a)(i) of the Policy.

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

The Panel next considers whether Complainant has shown that Respondent has no “rights or legitimate interests”, as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name “in connection with a *bona fide* offering of goods or services;” (ii) demonstration that respondent has been “commonly known by the domain name;” or (iii) “legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

No evidence has been presented to the Panel that might support a claim of Respondent’s rights or legitimate interests in the disputed domain name, and Respondent has no license from, or other affiliation with, Complainant.

Therefore, the Panel finds that Complainant has provided sufficient evidence for a *prima facie* case that Respondent lacks “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

Moreover, the disputed domain name incorporates Complainant’s mark in its entirety with the mere addition of the descriptive terms “tech” and “support”. In this regard, previous panels have found that where a domain name consists of a trademark plus an additional term (at the second- or top-level), such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

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

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel’s decision, the disputed domain name is parked and therefore, not linked to an active website. It is nevertheless well established that having a passive website does not necessarily shield a respondent from a finding of bad faith. See section 3.3 of [WIPO Overview 3.0](#), which notes that the “non-use of a domain name” does not necessarily negate a finding of bad faith.

Rather, a panel must examine “the totality of the circumstances,” including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals his/her identity and/or replies to the complaint. Respondent here used a privacy service and provided an address that was undeliverable by DHL.

Complainant has demonstrated a high level of consumer exposure to its marks in jurisdictions around the world. Respondent registered the disputed domain name on October 28, 2021, within a day of Complainant’s announcement of its change of name, which received significant media attention. See also *Meta Platforms, Inc. and Meta Platforms Technologies, LLC v. Black Tower Systems, Kyle Platt*, WIPO Case No. [D2023-0422](#); *Meta Platforms, Inc. v. Registration Private, Domains By Proxy, LLC. / RAMONCITO ULEP, TIRA GROUP*, WIPO Case No. [D2022-2659](#). Respondent did not reply to Complainant’s contentions in this proceeding, nor to prior correspondence from Complainant.

Accordingly, the Respondent's passive holding of the disputed domain name does not prevent a finding of bad faith.

The Panel finds that the Complainant has satisfied the elements of 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 <metatechsupport.com> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Date: December 12, 2023