

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Online Sekiraqa
Case No. D2024-0476

1. The Parties

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

The Respondent is Online Sekiraqa, Albania.

2. The Domain Name and Registrar

The disputed domain name <metaverificationcenter.info> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 31, 2024. On February 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 2, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 February 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 6, 2024.

The Center appointed Daniel Kraus as the sole panelist in this matter on March 11, 2024. 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 United States social media technology company which operates Facebook, Instagram, WhatsApp, and Meta Quest (formerly known as “Oculus”).

The Complainant holds trademark registrations for META worldwide, such as the following:

- United States Trademark Registration No. 5548121 for META, registered on August 28, 2018, for services in international classes 35 and 42;
- Andorran Trademark Registration No. 43626, META, registered on January 3, 2022, for goods and services in international classes 09, 28, 35, 36, 38, 41, 42 and 45;
- Monaco Trademark Registration No. 2200039, META, registered on February 8, 2022, for goods and services in international classes 09, 28, 35, 36, 38, 41, 42 and 45; and
- Albanian Trademark Registration No. 023677, META, registered on March 30, 2023, for goods and services in international classes 09, 28, 35, 36, 38, 41, 42 and 45.

The Complainant also holds a number of domain names incorporating the META trademark.

The disputed domain name was registered on April 13, 2023, and at the time of filing the Complaint, it resolved to an inactive web page.

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 name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s META trademark, in accordance with paragraph 4(a)(i) of the Policy, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith. The Complainant mentions, in particular, that the disputed domain name was registered less than two months after the Complainant announced its “Meta Verified” service.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

In accordance with paragraph 4(a) of the UDRP, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

No response or any kind of communication has been submitted by the Respondent, despite the fair opportunity given by the Center to present its case in accordance with paragraph 2(a) of the Rules. Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute on the “balance of probabilities” or “preponderance of the evidence” standard. See, paragraphs 14 and 15(a) of

the Rules, and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.2.

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 Trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7. The Complainant has shown rights in respect of the Trademark META for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the Trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term here, namely “verificationcenter”, may bear on assessment of the second and third elements, the Panel finds the addition of this term does not prevent a finding of confusing similarity between the disputed domain name and the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The Panel also finds that the generic Top-Level domain (“gTLD”) “.info” is not taken into consideration for determining identity or confusing similarity given that all domain names must have a TLD. [WIPO Overview 3.0](#), section 1.11.1.

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. Although 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 disputed domain name may result in the difficult 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 disputed 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 available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name: the Complainant asserts that the Respondent has no permission from the Complainant to use its trademarks in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy at paragraph 4(c)(i, ii and iii) or otherwise.

The Respondent has done nothing but passively hold the disputed domain name since its registration on April 13, 2023. In particular, there is no evidence in the record that the Respondent is using or plans to use the disputed domain name for a bona fide offering of goods and services per Policy paragraph 4(c)(i). Nor does the record show that the Respondent is commonly known as the disputed domain name per 4(c)(ii), nor is making a fair use of the disputed domain name per 4(c)(iii). 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 disputed domain name in bad faith. Panels have found that the non-use of a disputed domain name would not prevent a finding of bad faith under the doctrine of passive

holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes that factors (i), (ii) and (iii) are all present. The Panel notes in particular the distinctiveness and fame of the Complainant's META trademark, and finds that in the circumstances of this case, the passive holding of the disputed domain name warrants a finding of bad faith under the Policy per the above listed factors. It is noteworthy that the Respondent's bad faith extended to registering the disputed domain name, less than two months after the Complainant began using this name for a new service of the same name. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). Per the above discussion, the Panel finds that the Complainant has established the third element 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 <metaverificationcenter.info> be transferred to the Complainant.

/Daniel Kraus/

Daniel Kraus

Sole Panelist

Date: March 25, 2024