

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc. v. Sierra Carbary  
Case No. D2024-3224

### **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 Sierra Carbary, United States.

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

The disputed domain name <meta-platforms-inc.com> is registered with Squarespace Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 6, 2024. On August 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 2024, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 9, 2024, 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 August 12, 2024.

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, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2024. On September 5, 2024, the Respondent made a request to extend the Response due date. The Center granted the automatic four calendar day extension for response under paragraph 5(b) of the Rules, and the new Response due date was set for September 9, 2024. The Response was filed with the Center on September 6, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on October 4, 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 social technology company and operates Facebook, Instagram, and WhatsApp among others. It owns the trademark META, which it has procured through a series of assignments. That mark is the subject of registrations in several jurisdictions, including the United States (Reg. No. 5,548,121, registered on August 28, 2018, and assigned to the Complainant on October 26, 2021).

According to the Whois records, the disputed domain name was registered on May 16, 2024. The Complainant has shown that the disputed domain name resolves to a landing page that states “meta-platforms-inc.com We're under construction. Please check back for an update soon”.

On June 20, 2024, using a contact form provided by the Registrar, the Complainant contacted the Respondent, who admitted she registered the disputed domain name out of frustration after her accounts with the Complainant's services were shut down. The Respondent stated that the disputed domain name had only been used for the “website under construction” page and was not meant for infringement. The next day, she communicated 31 demands that the Complainant would need to meet for the situation to be resolved, including paying off the Respondent's student debt, funding vacations, and providing a small stake in the Complainant's business. After the Complainant repeated its request for a transfer of the disputed domain name without cost, the Respondent refused and withdrew her demands.

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

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

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

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

The Respondent filed a number of documents which the Panel will consider as the Response. In a sort of cover letter, the Respondent highlighted several personal circumstances, requesting fair treatment in her case. She emphasized her personal circumstances resulting in her being in a particularly vulnerable status, and asked for a panel who could fairly understand her situation. The Respondent cited, without elaboration or substantive argument, a number of purported legal protections such as the Fair Chance Act, the ADA, the 14th Amendment of the United States Constitution, and the Universal Declaration of Human Rights (“UDHR”) to support her right to a fair hearing. She explained that her mental and emotional health led to the impulsive purchase of the domain, asserting that her actions were not made in bad faith but were a result of emotional distress. She concluded by affirming her right to own the domain name, regardless of personal challenges, provided no illegal activity was involved.

The Respondent continues by arguing that the “trademark infringement” claim against her use of the disputed domain name is unfounded. She asserts that while the trademark META pertains to the brand, it does not cover the legal name of the company, and the disputed domain name relates to an acronym that represents personal traits, not the META brand. She claims that her use of the disputed domain name is a form of freedom of expression, not an infringement of Meta's intellectual property rights. Additionally, she emphasizes that her actions were not made in bad faith and that she had no intent to profit or harm the Complainant's business.

The Respondent also accuses the Complainant of infringing on her rights by engaging in harassment, discrimination, and psychological abuse. She claims that the Complainant's persistence in demanding the disputed domain name without compensation, and shutting down her social media accounts, has caused her stress and violated her privacy. She further argues that the Complainant has misinterpreted her communications, incorrectly labeling her collaborative offers as "demands" and falsely accusing her of cybersquatting, when in fact, she never intended to use the domain for financial gain.

Finally, the Respondent claims that the Complainant has abandoned any legitimate interest in the disputed domain name by not pursuing it for nearly three years, which she interprets as a lack of bona fide intent to use the disputed domain name in the Complainant's business. She insists that her actions are protected under the principle of bona fide transactions, as the disputed domain name purchase was made in good faith. The Respondent concludes by reiterating her right to the disputed domain name as an expression of personal identity and freedom of speech, and she seeks to refute the Complainant's claims that she acted with malicious intent.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a 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. The Panel finds that all three of these elements have been met in this case.

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

This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and, second, whether the disputed domain name is identical or confusingly similar to that mark. This element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Meta Platforms, Inc. v. Registration Private, Domains By Proxy, LLC / Cyril Ramadar*, WIPO Case No. [D2022-2341](#). The Complainant has demonstrated its rights in the META mark by providing evidence of its trademark registrations. *Id.*

The disputed domain name incorporates the META mark in its entirety with other words "platforms" and "inc" separated by dashes. These other elements within the disputed domain name do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's META mark. See [WIPO Overview 3.0](#), section 1.8. The META mark remains sufficiently recognizable for a showing of confusing similarity under the Policy.

Accordingly, the Complainant has satisfied this first UDRP element.

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

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point the Complainant asserts, among other things, that (1) it has not authorized the Respondent to use the META mark in the disputed domain name, (2) the Respondent is not using the disputed domain names in connection with any bona fide offering of goods or services, (3) the Respondent is not commonly

known by the disputed domain name, and (4) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds that by these assertions, the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name.

The Panel acknowledges the Respondent's frustration over the loss of her accounts and the other personal challenges that motivated her to register the disputed domain name. But these circumstances do not provide the Respondent with rights or legitimate interests in the disputed domain name as contemplated under the Policy.

The Respondent has not demonstrated any plans or actual use of the disputed domain name for noncommercial purposes. Instead, it appears that a desire to cause commercial complexity to the Complainant was a principal motivation to register the disputed domain name. And then, after the Complainant confronted her about the disputed domain name, the Respondent sought to leverage it for personal financial benefits (by asking for, e.g., student debt relief, family vacations, and other items of value from the Complainant in exchange for transferring the disputed domain name). These things are not a bona fide offering of goods or services, do not reflect a legitimate noncommercial use of the disputed domain name, or otherwise serve to confer any sort of rights or legitimate interests the Policy protects.

Similarly, there is no indication that the Respondent planned to or did put the disputed domain name to fair use or otherwise use it in a way that the right to free expression would cover. As discussed in the previous paragraph, the Respondent's registration of the disputed domain name appears to have been motivated by personal frustration directed to accomplish detriment to the Complainant.

Accordingly, the Respondent has not overcome the burden that shifted to her upon the Complainant's prima facie showing. The Panel finds that the Complainant has successfully met this second element.

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

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. Paragraph 4(b) of the Policy provides, in relevant part:

**“Evidence of Registration and Use in Bad Faith.** For the purposes of [finding whether a respondent has registered and used a domain name in bad faith], the following circumstances [...] if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that [the respondent has] registered or [has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent's] documented out-of-pocket costs directly related to the domain name;”

The record shows that the Respondent registered the disputed domain name out of frustration following the closure of her accounts with the Complainant's services. The Respondent herself acknowledges that the registration was a reaction to these events, and there is no evidence to suggest that she had any pre-existing plans to use the disputed domain name for a legitimate business, expressive, or noncommercial purpose. As discussed in Section 6.B. above, the Respondent did not establish any credible intent to use the disputed domain name in a manner consistent with rights or legitimate interests under the Policy. Instead, her own communications reveal that she registered the disputed domain name in response to a personal grievance.

Furthermore, the Respondent's subsequent efforts to leverage the disputed domain name for a substantial amount of money and things of value – well beyond her out-of-pocket expenses to register the disputed domain name – demonstrates bad faith use for the purposes of the Policy. The Respondent made numerous demands, including the payment of her student debt, family vacations, and a new car, as well as a financial

stake in the Complainant's company, in exchange for transferring the disputed domain name. These demands greatly outweigh any registration fees or incidental costs she may have incurred. This attempt to extract significant financial and personal benefits by leveraging a domain name confusingly similar to the Complainant's trademark demonstrates an intent to exploit the Complainant's rights for personal gain, which is contrary to the good faith principles woven through the Policy.

Accordingly, the Panel finds that the Complainant has established the third element under 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 <meta-platforms-inc.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: October 18, 2024