

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Muhammed Kankal
Case No. DNL2024-0005

1. The Parties

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

The registrant of the disputed domain name is Muhammed Kankal, Türkiye, (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <metaverified.nl> (the “Disputed Domain Name”) is registered with SIDN through Realtime Register.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 12, 2024. On February 13, 2024, the Center transmitted by email to SIDN a request for registrar verification in connection with the Disputed Domain Name.

On February 14, 2024, SIDN transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details of the Respondent.

The Center verified that the Complaint satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint and the proceedings commenced on February 22, 2024. In accordance with the Regulations, article 7.1, the due date for Response was March 13, 2024. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on March 14, 2024.

The Center appointed Moïra Truijens as the panelist in this matter on March 19, 2024. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The Complainant Meta Platforms, Inc. is a United States social technology company that operates, inter alia, the online platforms Facebook, Instagram, Meta Quest (formerly Oculus), and WhatsApp. Prior to late 2021, it was formerly known as Facebook Inc. Meta Platforms Technologies, LLC is the intellectual property rights holder for various technologies owned by Meta Platforms, Inc. From 2014 to 2018, the Complainant operated under the name of its predecessor in interest, Oculus VR, LLC, which distributes virtual reality headsets, including under the brand names “Oculus Quest” and “Oculus Quest 2.” In early 2022, these products were re-branded as “Meta Quest” and continue to be marketed under this name.

The Complainant is the proprietor of trademark registrations in a number of jurisdictions, including in the Netherlands where the Respondent is based, including the following:

- Benelux Trademark Registration No. 1455895, META (figurative mark with word elements), registered on December 20, 2021;

The META trademark has been extensively used and promoted online.

The Disputed Domain Name was registered on April 19, 2023, and was claimed and evidenced to previously have been pointed to a Plesk holding page. At the time of the filing of the Complaint and while drafting the decision, the Disputed Domain Name does not resolve to any page.

In addition, it was found that the Respondent, using the same email address, registered at least one other domain name targeting the Complainant’s rights, <metabluebadgesupport.us>, which contains the Complainant’s META trademark together with the terms “blue badge support” ostensibly referring to the Complainant’s account verification services which allow verified users to add a blue badge to their Instagram and Facebook accounts. The Complainant’s lawyers sent a cease and desist letter to the Respondent.

5. Parties’ Contentions

A. Complainant

Under the first element, the Complainant states that the Disputed Domain Name fully comprises the Complainant’s META trademark with the addition of the term “verified”. The addition of the term “verified” does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant’s META trademark. The Complainant refers to previous WIPO decisions, such as *Meta Platforms, Inc. v. libin, Redacted for Privacy, Super Privacy Service LTD c/o Dynadot*, WIPO Case No. [D2023-4222](#) (<metaverified.asia>, <metaverified.biz>, <metaverified.cc>, metaverified.club>, <metaverified.help>, <metaverified.info>, <metaverified.link>, <metaverified.pro>, <metaverified.shop>, and <metaverified.site>); *Meta Platforms, Inc. v. Carlos*, WIPO Case No. [D2023-4487](#) (<facebookmetaverified.com>) and *Facebook, Inc. v. kadir eren, software*, WIPO Case No. [D2021-3335](#) (<facebookverifiedbadge.com>).

The Complainant further states that the country code Top-Level Domain (“ccTLD”) “.nl” may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. Reference is made by the Complainant to the decision *Crédit Agricole S.A. v. Nitish Ghuse*, WIPO Case No. [DNL2019-0006](#) and to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

Under the second element, the Complainant states that the Respondent is not affiliated with them in any way; and the Complainant has not granted any authorization for the Respondent to make use of the META trademark in a domain name or otherwise. At the time of the filing of the Complaint, the Disputed Domain Name did not resolve to any page. The Respondent is not commonly known by the Disputed Domain Name. The Respondent is not currently making any use of the Disputed Domain Name. The inclusion of the term “verified” creates a risk of implied affiliation with services related to the Complainant’s virtual reality headsets.

Under the third element, the Complainant states that the Respondent has registered and used the Disputed Domain Name in bad faith. Reasons given by the Complainant are firstly, that the Respondent must have been well aware, at the date of registering the Disputed Domain Name, of the already registered and widely used META trademark of the Complainant. Secondly, the addition of the term “verified” may be read as a reference to the Complainant’s “Meta Verified service”, which the Complainant introduced on February 19, 2023, hence two months before the Respondent registered the Disputed Domain Name.

The Complainant further submits that the Respondent’s registration of the other domain name <metabluebadgesupport.us>, containing the Complainant’s META trademark together with the terms “blue badge support” under the .us ccTLD, may be viewed as further evidence of the Respondent’s intent to target the Complainant. Both domain names refer to the Complainant’s account verification services.

Additionally, the Complainant states that to the best of its knowledge, the Respondent has never actively used the Disputed Domain Name.

B. Respondent

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

6. Discussion and Findings

Pursuant to article 2.1 of the Regulations, the Complainant must prove each of the following three elements:

a. the Disputed Domain Name is identical or confusingly similar to:

I) a trademark, or trade name, protected under Dutch law in which the Complainant has rights; or

II) a personal name registered in the General Municipal Register (“Gemeentelijke Basisadministratie”) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the Complainant undertakes public activities on a permanent basis; and

b. the Respondent has no rights to or legitimate interests in the Disputed Domain Name; and

c. the Disputed Domain Name has been registered or is being used in bad faith.

In accordance with article 10.3 of the Regulations, the Panel shall determine the admissibility, relevance and weight of the evidence submitted; if no response has been submitted, the Panel shall rule on the basis of the Complaint; and the Complaint shall in that event be granted, unless the Panel considers it to be without basis in law or fact.

A. Identical or Confusingly Similar

The Complainant has shown registered rights in the META trademark. The Disputed Domain Name is confusingly similar to the META trademark as it incorporates it in its entirety. The addition of the word “verified” to the trademark in the Disputed Domain Name does not alter the fact that the trademark is recognizable in the Disputed Domain Name (see also [WIPO Overview 3.0](#), section 1.7).¹

The ccTLD “.nl” is typically disregarded under the confusing similarity test, since it is a technical registration requirement (see [WIPO Overview 3.0](#), section 1.11).

¹While the Complaint is brought under the Regulations, and not the UDRP, given the similarities between the two, where applicable, the Panel considers UDRP precedent and the [WIPO Overview 3.0](#) relevant to the current proceeding, and will refer to it where appropriate.

The Panel finds that the Disputed Domain Name is confusingly similar to the META trademark and that Complainant has thus established the first element of article 2.1 of the Regulations.

B. Rights or Legitimate Interests

A complainant bears the burden of prima facie showing that the respondent has no rights to or legitimate interests in the domain name. If a complainant succeeds in making a prima facie case, the burden of production shifts to the respondent, which will then have to come forward with appropriate allegations or evidence demonstrating a right to or legitimate interest in the domain name (*Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

Article 3.1 of the Regulations provides circumstances in which such rights or legitimate interests to a domain name may be demonstrated. These circumstances include; i) use of the domain name in connection with a bona fide offering of goods or services; ii) being commonly known by the domain name; and iii) making legitimate noncommercial or fair use of the domain name.

Based on the evidence and the undisputed submissions of the Complainant, the Panel concludes that the Respondent has not received the Complainant's consent to use the META trademark as part of the Disputed Domain Name, nor that it has otherwise been authorized to use the META trademark.

The Respondent has not provided evidence, nor is there any indication in the record of this case that Respondent is commonly known by the Disputed Domain Name.

The Respondent did not demonstrate any use or demonstrable preparation to use the Disputed Domain Name in connection with a bona fide offering of goods or services.

Finally, in the circumstances of this case, the Panel finds that a lack of rights to or legitimate interests in the Disputed Domain Name on the part of the Respondent is further supported by the fact that no response was filed by the Respondent.

The Panel concludes that the Complainant has met the second requirement of article 2.1(b) of the Regulations.

C. Registered or Used in Bad Faith

In accordance with article 3.2 of the Regulations, the Complainant has to show that the Disputed Domain Name was registered or is being used in bad faith. Several circumstances put forward by the Complainant make that the Panel finds that this is so.

When the Respondent registered the Disputed Domain Name, the META trademark had already been registered and was being used by the Complainant for its products and services. Given the well-known character of the trademark, the Panel finds that at the time of registration of the Disputed Domain Name, the Respondent knew that it would be confusingly similar to the META trademark. The registration by the Respondent of another domain name <metabluebadgesupport.us> further contributes to this finding.

In addition, the Disputed Domain Name does not resolve to any page. Therefore, the Panel finds no evidence that the Respondent has made use or made demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services.

As noted in section 3.3 of [WIPO Overview 3.0](#), previous UDRP panels have consistently found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive-holding. In accordance with this doctrine, the Panel takes into account the reputation of the META trademark, the failure of the Respondent to submit a response, and the Respondent's registration of the domain name <metabluebadgesupport.us>.

The Panel concludes that the requirement of article 2.1(c) of the Regulations has also been met.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the Disputed domain Name <metaverified.nl> be transferred to the Complainant.

/Moira Truijens/

Moira Truijens

Panelist

Date: April 2, 2024