

## **ADMINISTRATIVE PANEL DECISION**

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. Not disclosed  
Case No. DVG2023-0001

### **1. The Parties**

The Complainants are Meta Platforms, Inc., United States of America (“United States”), and Meta Platforms Technologies, LLC, United States, represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Not disclosed, Zhejiang, China.

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

The disputed domain name <metaquest.vg> is registered with Key-Systems GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2023. On October 30, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainants on November 3, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on November 8, 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 the Respondent of the Complaint, and the proceedings commenced on November 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 29, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 18, 2023.

The Center appointed Alistair Payne as the sole panelist in this matter on December 21, 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, Meta Platforms, Inc., (Meta) is a United States social technology company, and operates, *inter alia*, Facebook, Instagram, Meta Quest (formerly Oculus) and WhatsApp. The Complainant, Meta Platforms Technologies, LLC (Meta Platforms Technologies), is the intellectual property rights holder for various technologies owned by Meta. The Complainants (hereafter referred to as “the Complainant”) use the META, QUEST and combined META QUEST marks in connection with their virtual reality software and apparatus.

The Complainant has secured ownership of numerous trade mark registrations for META and QUEST in many jurisdictions throughout the world, including but not limited to United States Trade Mark No. 5548121, META, registered on August 28, 2018 and Chinese Trade Mark No. 33818197, QUEST, registered on June 14, 2019. Reflecting its global reach, the Complainant is the registrant of numerous domain names consisting of or including the META trade mark under a wide range of generic Top-Level domain names as well as under numerous country code Top-Level domain names including <meta.com> from which it markets and offers its virtual reality products including the META QUEST headsets at “https://www.meta.com/gb/en/quest”.

The disputed domain name was registered on February 2, 2022. The Respondent appears to be based in China and the disputed domain name resolves to an inactive web page. On September 4, 2023, the Complainant’s lawyers, in an attempt to resolve the matter amicably, submitted a notice via the Registrar’s registrant contact form for the disputed domain name. On the same date, the Respondent responded to the Complainant’s lawyers via email under the name of “Huey”, as follows: *“I received this mail. But metaquest.vg is not my domain name now. I let it expired, maybe somebody else got it now. For now I have metaquest.as, and I am willing to transfer it to your side with compensation \$1500 (Near to UDRP fee) to me. Do you agree with this or choose to raise an UDRP case?”* The Complainant’s lawyers responded asserting the Complainant’s rights and requesting transfer of the disputed domain name. On September 20, 2023, the Respondent provided the Complainant’s lawyers with the authorisation code for the transfer of <metaquest.as> and maintained that he no longer owned the disputed domain name.

#### **5. Parties’ Contentions**

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

The Complainant contends that Meta Platforms Technologies, the owner of trade mark registrations for QUEST, is a wholly-owned subsidiary of Meta, the owner of trade mark registrations for META. As such, the two entities have a sufficient common legal interest in the META and QUEST trade marks included in the disputed domain name to file a joint Complaint. In addition, says the Complainant, Meta and Meta Platforms Technologies have been the target of common conduct by the Respondent, who has engaged in bad faith registration and use of the disputed domain name comprising their trade marks and there is no apparent reason why it would not be equitable and procedurally efficient to permit consolidation.

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

The Complainant submits that it owns registered trade mark rights in META and QUEST as set out above and that the disputed domain name incorporates the Complainant’s META and QUEST trade marks in their entirety. Accordingly, says the Complainant, the disputed domain name is confusingly similar to the Complainant’s trade marks pursuant to paragraph 4(a)(i) of the Policy.

The Complainant asserts that the Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy that would demonstrate its rights or legitimate interests in the disputed domain name. It says that the Respondent is not a licensee of the Complainant, is not affiliated with the Complainant in any way and that the Complainant has not granted any authorisation for the Respondent to make use of its META and QUEST trade marks, in a domain name or otherwise. The Complainant notes that the disputed domain name resolves to an inactive web page and that the non-use of the disputed domain name does not qualify as use of the disputed domain name in connection with a *bona fide* offering of goods or services. Nor, says the Complainant, is there any evidence of the Respondent having made demonstrable preparations to use the disputed domain name. The Complainant submits that there is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant says that neither the publicly-available Whois record for the disputed domain name, nor the inactive web page to which the disputed domain name resolves, provides any registrant contact information for the Respondent and the registrant contact details disclosed by the Registrar appear to be those of a privacy service. During the course of pre-complaint correspondence with the Complainant's lawyers, the Respondent used the name "Huey", neither of which bears any resemblance to the disputed domain name. Neither says the Complainant is the Respondent currently making a legitimate non-commercial or fair use of the disputed domain name and the inclusion of the META and QUEST trade marks in the disputed domain name means. It asserts that there is a high risk of implied affiliation with the Complainant and as a result the Complainant submits that the Respondent cannot plausibly make any fair use of the disputed domain name.

The Complainant submits that its META trade mark is already well known throughout the world and is closely associated with the Complainant's goods and services. It notes that all of the leading results obtained by searching for "meta quest" using the Google search engine refer to the Complainant.

The Complainant notes that the Respondent registered the disputed domain name on February 2, 2022 which was fewer than four months after the Complainant's announcement on October 28, 2021 that Oculus Quest would be rebranded as Meta Quest and that the Complainant, formerly known as Facebook Inc., also announced its change of name to Meta Platforms Inc. on the same date. It says that both of these announcements were widely publicised and that given the composition of the disputed domain name and the timing of its registration, the Respondent could not credibly argue that it did not have the Complainant's META and QUEST trade marks in mind at the time of registration of the disputed domain name.

The Complainant notes that the disputed domain name resolves to an inactive web page and that it is well established that the non-use of a domain name in connection with an active website would not prevent a finding of bad faith under the doctrine of passive holding (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.3). It says that each of the four factors under the passive holding test are satisfied in this case, namely: (i) When combined, the Complainant's META and QUEST trade marks form a widely-known combination that is readily associated with the Complainant; (ii) The Respondent has provided no evidence of any actual or contemplated good faith use by it of the disputed domain name and there is no evidence that the Respondent has made any demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services; (iii) As shown by the registrant details disclosed by the Registrar, the disputed domain name appears to have been registered using a privacy service, which may be read as an attempt on the part of the Respondent to conceal its identity; (iv) Given the composition of the disputed domain name as set out above, the Complainant submits that it carries a significant risk of implied affiliation with the Complainant. The Complainant says that it cannot conceive of any *bona fide* use that the Respondent could make of the disputed domain name that would not lead to a misleading impression of association with the Complainant.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions other than to assert that the disputed domain name was not owned by him as described under section 4 above.

## 6. Discussion and Findings

The Panel finds that as Meta Platforms Technologies, as owner of trade mark registrations for QUEST, is a wholly-owned subsidiary of Meta, the owner of trade mark registrations for META the two entities have a sufficient common legal interest in the disputed domain name to file a joint Complaint. It appears that they have been the target of common conduct by the Respondent and that there is no apparent reason why it would not be equitable and procedurally efficient to permit consolidation.

### 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.

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

The Panel finds the entirety of each of the META and QUEST marks are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to each of these marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The inclusion of both marks together does not prevent a finding of confusing similarity between the disputed domain name and the 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.

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 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 domain name (although the burden of proof always remains on the complainant). 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 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 or otherwise.

The Panel notes that the Complainant has submitted that the Respondent is not a licensee of the Complainant, is not affiliated with the Complainant in any way and that the Complainant has not granted any authorisation for the Respondent to make use of its META and QUEST trade marks, in a domain name or otherwise. The Panel also notes that the disputed domain name resolves to an inactive web page which does not qualify as use of the disputed domain name in connection with a *bona fide* offering of goods or services. Neither is there any evidence of the Respondent having made demonstrable preparations to use the disputed domain name, nor any evidence to suggest that the Respondent is commonly known by the disputed domain name.

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 registered the disputed domain name on February 2, 2022 which was fewer than four months after the Complainant's announcement on October 28, 2021 that Oculus Quest would be rebranded as Meta Quest and that the Complainant, formerly known as Facebook Inc., also announced its change of name to Meta Platforms Inc. on the same date. The Panel agrees with the Complainant that given the distinctiveness and degree of renown attaching to the Complainant's META or QUEST marks, the composition of the disputed domain name and the timing of its registration, the Respondent is more than likely to have had the Complainant's META and QUEST trade marks in mind at the time of registration of the disputed domain name.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) 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 respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademarks and the composition of the disputed domain name and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

In particular, each of the four factors under the passive holding test are satisfied in this case, namely: (i) When combined, the Complainant's META and QUEST trade marks form a widely-known combination that is readily associated with the Complainant; (ii) The Respondent has provided no evidence of any actual or contemplated good faith use by it of the disputed domain name and there is no evidence that the Respondent has made any demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services; (iii) As shown by the registrant details disclosed by the Registrar, the disputed domain name appears to have been registered using a privacy service, which may be read as an attempt on the part of the Respondent to conceal its identity; (iv) Given the composition of the disputed domain name it carries a significant risk of implied affiliation with the Complainant.

Based on the available record, 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 <metaquest.vg> be transferred to the Complainant Meta Platforms, Inc.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: January 4, 2024