

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc. v. Domain Administrator, See PrivacyGuardian.org / Leutrim Hamiti; Whois Privacy, Private by Design, LLC / Giovanni Niemann; Privacy Service Provided by Withheld for Privacy ehf / Mero Hery; ContactID 7827838 / Isimtescil.net / Whoisprotection.biz; Bigrug Mishok; Gixha Mesho; Fari Gashi; Gmugjo Muasho; Malyc Micoz; Fatmir Lima; Fatnir Nako; Lurry Luma; Rruje Rakun; Faruk Mecha; Wu Yu; Gözlük Stok; Syle Sylez; Super Privacy Service LTD c/o Dynadot
Case No. D2022-1784

1. The Parties

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

The Respondents are Domain Administrator, See PrivacyGuardian.org, United States / Leutrim Hamiti, Austria; Whois Privacy, Private by Design, LLC, United States / Giovanni Niemann, United States; Privacy Service Provided by Withheld for Privacy ehf, Iceland / Mero Hery, Switzerland; ContactID 7827838 / Isimtescil.net / Whoisprotection.biz, Türkiye; Bigrug Mishok, United States; Gixha Mesho, Bulgaria; Fari Gashi, Denmark; Gmugjo Muasho, Germany; Malyc Micoz, United States; Fatmir Lima, United States; Fatnir Nako, United States; Lurry Luma, Germany; Rruje Rakun, Albania; Faruk Mecha, Australia; Wu Yu, China / Super Privacy Service LTD c/o Dynadot, United States; Gözlük Stok, Türkiye; Syle Sylez, United States;

2. The Domain Names and Registrars

The disputed domain name <meta-ico.com> is registered with NameSilo, LLC.

The disputed domain names <metaico.international>, <metasalesinc.me>, <metatoken.claims>, <metavrsale.com> are registered with eNom, LLC.

The disputed domain names <meta-ico-sale.com>, <meta-icosale.com>, <metaico-sale.com>, <metaicosale.com>, <metaicosales.com>, <meta-pre-sale.com>, <meta-presale.com>, <metapre-sale.com>, <meta-presalestoken.com>, <metatokenpre-sales.com>, <metatokenpresales.com>, <metatokenspresale.com>, <metatokenspresales.com> are registered with Porkbun LLC.

The disputed domain names <metalaunche.international>, <metalaunch.global>, <metalaunch.sale>, <metalaunchvr.international>, <metarelease.digital>, <metareleased.info>, <metareleased.international>, <metareleasevr.net>, <metaslaunch.net>, <metaslaunch.international>, <metaulaunch.com>, <metavrelease.sale>, <nativemeta.net> are registered with NameCheap, Inc.

The disputed domain name <metanative.international> is registered with Dynadot, LLC.

The disputed domain name <presalemeta.space> is registered with Isimtescil Bilişim A.Ş.

3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 17, 2022. On May 18, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On May 18, 2022, May 19, 2022 and May 20, 2022, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which, differed from the named Respondents and contact information in the Complaint. The Center sent an email communication to the Complainant on May 24, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed two amended Complaints respectively on June 2, 2022 and June 8, 2022.

On May 24, 2022, the Center sent an email communicating in both English and Turkish regarding the language of the proceeding. The Complainant replied on May 27, 2022, asking English to be the language of the proceeding instead of Turkish. The Respondents did not reply to the language of proceeding’s email.

The Center verified that the Complaint together with the amended Complaints 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 in both English and Turkish, and the proceedings commenced on June 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 4, 2022. One of the Respondents sent an informal email communication in English to the Center on May 25, 2022, however none of the Respondents submitted a formal response. On July 5, 2022, the Center informed the parties that it will proceed to panel appointment.

The Center appointed Kaya Köklü as the sole panelist in this matter on July 11, 2022. 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 media technology company with its registered seat in the United States. Among others, the Complainant operates the internationally well-known online platforms and networks Facebook, Instagram, WhatsApp, and Metaverse.

The Complainant owns various trademark registrations for META, such as the United States Trademark Registration No. 5548121, applied for on December 17, 2015 and registered on August 28, 2018 in the name of Sciencescape Inc., being assigned to Met, Inc. (Canada) by way of name change on February 9, 2016, then being assigned to Chan Zuckerberg Initiative LLC on April 16, 2021, further assigned to the Complainant’s group member Facebook Inc. on October 26, 2021 and then assigned to the Complainant itself on October 28, 2021 (Annex 13 to the Complaint). The META trademark is widely used by the

Complainant and its group members in the United States and internationally (Annexes 7, 8 and 10 to the Complaint).

The Complainant further owns a significant number of domain names, which comprise its META trademark, such as the sub-domain name <about.facebook.com/meta> (Annexes 8 and 9 to the Complaint).

The Complaint involves 33 disputed domain names, which are registered with multiple Respondents. The registration dates of all disputed domain names are between December 16, 2021 and February 24, 2022, as listed below:

(1) <meta-ico.com>	December 16, 2021
(2) <metaico.international>	January 18, 2022
(3) <metaicosale.com>	December 31, 2021
(4) <metaico-sale.com>	December 31, 2021
(5) <meta-icosale.com>	December 30, 2021
(6) <meta-ico-sale.com>	December 31, 2021
(7) <metaicosales.com>	December 31, 2021
(8) <metalaunch.global>	February 7, 2022
(9) <metalaunch.sale>	February 7, 2022
(10) <metalaunche.international>	February 13, 2022
(11) <metalaunchvr.international>	February 10, 2022
(12) <metanative.international>	February 24, 2022
(13) <meta-pre-sale.com>	December 31, 2021
(14) <metapre-sale.com>	December 30, 2021
(15) <meta-presale.com>	December 30, 2021
(16) <meta-presalestoken.com>	January 7, 2022
(17) <metarelease.digital>	February 7, 2022
(18) <metareleased.info>	February 10, 2022
(19) <metareleased.international>	February 9, 2022
(20) <metareleasevr.net>	February 10, 2022
(21) <metasalesinc.me>	January 27, 2022
(22) <metaslaunch.international>	February 12, 2022
(23) <metaslaunch.net>	February 12, 2022
(24) <metatoken.claims>	January 18, 2022
(25) <metatokenpresales.com>	January 4, 2022
(26) <metatokenpre-sales.com>	January 7, 2022
(27) <metatokenspresale.com>	January 4, 2022
(28) <metatokenspresales.com>	January 4, 2022
(29) <metaulaunch.com>	February 12, 2022
(30) <metavrelease.sale>	February 8, 2022
(31) <metavrsale.com>	January 19, 2022
(32) <nativemeta.net>	February 18, 2022
(33) <presalemeta.space>	January 30, 2022

According to the provided documents in the case file (Annex 3 to the Complaint), the disputed domain names resolved to websites impersonating the Complainant, particularly by prominently using the Complainant's META trademark and its official company logo. By doing so, the websites associated to the disputed domain names provided for a look and feel as if they were operated by the Complainant itself.

The case file further indicates that some of the disputed domain names have been used for fraudulent activities targeting the Complainant's users, particularly by offering certain advance-fee schemes for "meta coins", a fictitious crypto currency allegedly offered in connection with the Complainant and its online platform. This is indicated by various online reports on fraudulent activities as regards some of the disputed domain names (Annex 14 to the Complaint).

At the time of the filing of the Complaint, none of the disputed domain names resolves to active websites anymore (Annex 4 to the Complaint).

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain names.

First, the Complainant requests consolidation of the Respondents arguing that the registrants of the disputed domain names are connected to one another and should be considered as the same domain name holder.

The Complainant is further of the opinion that the disputed domain names are confusingly similar to its META trademark.

The Complainant is of the opinion that the Respondents have no rights or legitimate interests in respect of the disputed domain names. It is rather argued that the disputed domain names falsely suggest that there is some official or authorized link between the Complainants and the Respondents.

Finally, it is argued that the Respondents have registered and are using the disputed domain names in bad faith. The Complainant particularly argues that the Respondents must have been well aware of the Complainants' META trademark, when registering and using the disputed domain names.

B. Respondent

The Respondents did not reply to the Complainant's contentions. Only one Respondent stated in a short email communication to the Center on May 25, 2022: "Please give me the forum number of dynadot and I will push it to you". No further communication was submitted to the Center.

6. Discussion and Findings

6.1. Procedural Issues

UDRP panels generally apply the principles for consolidation as set out at section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 4.11.2 of the [WIPO Overview 3.0](#) states the following: "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". See also, *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

In this regard, previous UDRP panels particularly considered the following aspects in determining whether consolidation is appropriate: similarities in or relevant aspects of (i) the registrants' contact information, (ii) the content or layout of websites corresponding to the disputed domain names, (iii) whether the registrants are targeting a specific sector, and (iv) the relevant language/scripts of the disputed domain names.

In light of the criteria set out above, the case file provides for sufficient indications that all disputed domain names are under common control.

In view of the Panel, the Complainant has provided sufficient evidence that the Respondents are either the same person or at least connected to each other. This is particularly indicated by the undisputed fact that all disputed domain names were linked to webpages, which were similar and partly even identical to each other

in terms of layout and content. In addition, the Panel notes that all disputed domain names were registered in the same rather short period of time, namely between December 2021 and February 2022.

Together with the fact the Respondents did not contest the Complainant's assertions, this Panel concludes that the Respondents are acting somehow collaboratively and, hence, accepts that all disputed domain names are under common control. Additionally, the Panel is convinced that in the present case the consolidation of multiple respondents is procedurally efficient, fair, and reasonable to all parties.

The Panel therefore, for the purpose of this decision, accepts the case to be dealt with in a consolidated Complaint and will refer, whenever appropriate, to the Respondents as "the Respondent" in the following.

6.2. Language of the Proceeding

The Panel determines in accordance with the Complainant's request and the Rules, paragraph 11(a), that the language of these administrative proceeding shall be English.

Although the language of the registration agreement of the disputed domain name <presalemeta.space> is Turkish (with the remaining disputed domain names having English registration agreements), the Panel finds that it would be inappropriate, given the circumstances of this case, to conduct the proceedings in Turkish and request a Turkish translation of the Complaint while the Respondent has failed to raise any objection or even to formally respond to the Complaint or respond to the Center's communication about the language of the proceedings, even though communicated in Turkish and in English.

The Panel particularly notes that the Respondent was given the fair opportunity to respond in Turkish. Consequently, the Panel is convinced that the Respondent will not be prejudiced by a Decision being rendered in English.

6.2. Substantive Issues

According to paragraphs 14 and 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no Response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain names are identical or confusingly similar to the 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complaint. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#).

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having trademark rights in META (Annex 13 to the Complaint).

In light of this pre-assessment, the Panel finds that the disputed domain names are confusingly similar to the Complainant's META trademark. Each disputed domain name fully incorporates the mark META as the distinctive first part of the domain names. In view of the Panel, the addition of other terms or letters (such as "sale", "presale", "launch" etc.) do not prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademark, since the Complainant's trademark is easily recognizable within the disputed domain names.

In view of the above, the Panel is satisfied that the Complainant has met the requirements under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent's rights or legitimate interests is primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain names to meet the requirements of paragraph 4(a)(ii) of the Policy. *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license to use the Complainant's META trademark in a confusingly similar way within the disputed domain names.

Considering also the Panel's findings and discussion below and further under the third element, the Panel notes that the Respondent has failed to demonstrate any of the nonexclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or provide any other evidence of a right or legitimate interest in the disputed domain names. Particularly, as indicated above, the Panel finds on the available record that the disputed domain names were rather intended to be used in connection with offering of services in bad faith and the intention to freeride on the Complainant's goodwill, most likely for fraudulent purposes (Annex 14 to the Complaint). The Respondent was apparently well aware of the Complainant's META trademark, its business and its provided services before registering and using the disputed domain names. The Panel is convinced that the Respondent deliberately has chosen the disputed domain names in order to cause confusion with the Complainant's META trademark among Internet users. In light of the above, the Panel does not see any basis for assessing a *bona fide* offering of goods or services by the Respondent.

Consequently, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel believes that the Respondent deliberately attempted to create a likelihood of confusion among Internet users and/or to freeride on the goodwill of the Complainant's META trademark, apparently for illegitimate commercial gain, particularly for the following reasons.

At the date of registration of the disputed domain names, the Respondent was apparently well aware of the, at that date already registered and widely used META trademark of the Complainant.

Furthermore, the way of using the Complainant's trademark on the websites associated to the disputed domain names (Annex 3 to the Complaint), indicates that the Respondent has deliberately chosen the Complainant's trademark as the distinctive part of the disputed domain names to mislead Internet users who are searching for information on online services provided by the Complainant. Reports by already misled users (Annex 14 to the Complaint) further indicates the Respondent's bad faith intentions.

The Panel additionally notes that the Respondent used various privacy services when creating the disputed domain names. Although privacy services are legitimate in many cases, it is for the Panel difficult to see in the present case why the Respondent should need to protect its identity except to make it difficult for the Complainant to protect its trademark rights. The Panel rather believes that the choice of the disputed domain names (all of them fully incorporating the Complainant's META trademark), the content as well as the use of the Complainant's official company logo rather indicate that the Respondent deliberately opted for a privacy shield in order to prevent an efficient enforcement of legitimate trademark rights by the Complainant.

In view of the Panel, all this strongly indicates the Respondent's bad faith intentions to gain illegitimate benefit by freeriding on the notoriety and goodwill of the Complainant's META trademark.

The fact that all of the disputed domain names are currently inactive does not change the Panel's findings in this respect.

Taking all facts of the case into consideration, the Panel believes that this is a typical cybersquatting case, which the UDRP was designed to stop. In view of the Panel, the disputed domain names were registered and are being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, 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 names, <meta-ico.com>, <metaico.international>, <meta-ico-sale.com>, <meta-icosale.com>, <metaico-sale.com>, <metaicosale.com>, <metaicosales.com>, <metalaunche.international>, <metalaunch.global>, <metalaunch.sale>, <metalaunchvr.international>, <metanative.international>, <meta-pre-sale.com>, <meta-presale.com>, <metapre-sale.com>, <meta-presalestoken.com>, <metarelease.digital>, <metareleased.info>, <metareleased.international>, <metareleasevr.net>, <metasalesinc.me>, <metaslaunch.international>, <metaslaunch.net>, <metatoken.claims>, <metatokenpre-sales.com>, <metatokenpresales.com>, <metatokenspresale.com>, <metatokenspresales.com>, <metaulaunch.com>, <metavrelease.sale>, <metavrsale.com>, <nativemeta.net>, and <presalemeta.space> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: July 21, 2022