

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., Meta Platforms Technologies, LLC v. 文进川
Case No. D2023-0196

1. The Parties

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

The Respondent is 文进川, China.

2. The Domain Name and Registrar

The disputed domain names <metaquest.how>, <metaquest.sc>, <metaquest.skin> and <metaquest.wedding> are registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 13, 2023. On January 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 18, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainants on January 23, 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 January 27, 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 January 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 21, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on February 27, 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 Complainants in this administrative proceeding are (1) Meta Platforms Technologies, LLC and (2) Meta Platforms, Inc., (hereinafter referred to together as the “Complainants”). Meta Platforms Technologies, LLC, is a wholly-owned subsidiary of the Complainant, Meta Platforms, Inc.. The Complainants are part of the same corporate group, and both Complainants have an interest in the rights relied upon, and therefore a common grievance against the Respondent.

The Complainant, Meta Platforms, Inc. (formally known as “Facebook, Inc.”) is a social technology company, which operates Facebook, Instagram, WhatsApp and Meta Quest (formerly known as “Oculus”). The Complainant, Meta Platforms Technologies, LLC (formerly known as “Facebook Technologies, LLC”) is a distributor of virtual reality (“VR”) headsets, including the “Meta Quest” VR headsets.

The Complainant, formerly known as Facebook Inc. announced its change of name to Meta Platforms Inc. on October 28, 2021, and this was publicized worldwide.

The Complainants have also made substantial investments in developing a strong presence online by being active on various social media platforms, including Facebook, Twitter and LinkedIn. For instance, Meta’s official page on Facebook has over 76 million “likes” and more than 13 million followers on Twitter.

The Complainants own numerous trademark registrations for META and QUEST respectively in various jurisdictions, including the following:

- United States Trademark Registration No. 5548121 for META, registered on August 28, 2018 and assigned to the Complainant on October 26, 2021;
- United States Trademark Registration No. 6279215 for QUEST, registered on February 23, 2021;
- European Union Trade Mark No. 017961685 for QUEST, registered on June 16, 2020; and
- China Trademark Registration No. 33818197 for QUEST, registered on June 14, 2019.

The disputed domain names were all registered on February 2, 2022.

At the time of filing of the Complaint, all the disputed domain names except <metaquest.skin> redirected to Dan.com parking pages listing the disputed domain names for sale. The disputed domain name <metaquest.skin> previously redirected to the same parking page, but at the time of the filing of the Complaint redirected to a Dan.com parking page stating that the domain listing had been deleted.

As of the date of this decision all the disputed domain names redirect to a Dan.com parking page stating that the domain listing has been deleted, and that the domain names might become available for sale again in the future.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to the Complainants’ trademarks, that the Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the disputed domain names have been registered and are being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1. Multiple Complainants

The Complainants are part of the same corporate group, and both Complainants have an interest in the rights relied upon, and therefore a common grievance against the Respondent.

Thus, the Complainants argue that the consolidation of multiple complainants is appropriate in the present proceeding, and would not have any unfairly prejudicial effect on the Respondent.

According to section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "[when] assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation".

The First Complainant is a wholly owned subsidiary of the Second Complainant; hence the Complainants have a common grievance against the Respondent, as they share common interests. In addition, the Complainants have been the target of common conduct by the Respondent, who has registered – on the very same day – the four disputed domain names, all of which include the trademarks of both Complainants.

In the circumstances, and in the absence of any objection on behalf of the Respondent, the Panel accepts the single consolidated Complaint against the Respondent, which it finds fair and equitable to all the parties and will accept both Complainants as party to the proceedings.

6.2. Substantive matters

In order for the Complainants to obtain a transfer of the disputed domain names, paragraphs 4(a)(i)-(iii) of the Policy require that the Complainants must demonstrate to the Panel that:

- (i) The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have 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.

A. Identical or Confusingly Similar

The Complainants have established rights in the META and QUEST trademarks.

Here the disputed domain names are exclusively composed of the Complainants' META and QUEST trademarks in their entirety, with the addition of the Top Level Domains ("TLDs") ".how", ".sc", ".skin" and ".wedding".

This Panel agrees with the Complainants' view that the Complainants' trademarks are clearly recognizable and that the addition of the respective TLDs may be disregarded for purposes of assessing confusing similarity, as they are a standard requirement of registration.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

Accordingly, the Panel finds that the Complainants have satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainants have made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain names. The Respondent does not appear to be commonly known by the name “metaquest” or by any similar name. The Respondent has no connection or affiliation with the Complainants and the Complainants have not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainants’ trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain names, nor any use in connection with a *bona fide* offering of goods or services. The Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain names.

The Panel finds that the Complainants have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainants’ contentions that the disputed domain names were registered and have been used in bad faith.

Despite the relatively recent re-naming of one of the Complainants as “Meta Platforms, Inc.”, the Complainants’ META trademark is already well-known throughout the world and closely associated with the Complainants’ goods and services, the re-naming of one of the Complainants having attracted significant international media attention, while the Complainants’ services are used by billions of monthly active users across the globe.

In addition, the Complainants have received substantial media attention (including the Chinese press) in relation to the success and popularity of its VR (virtual reality) products as well as the change in name of the Complainants’ product name from “Oculus Quest” to “Meta Quest”.

In fact, the strength and renown of the Complainants’ META and QUEST trademarks have already been recognized by previous UDRP panels.

These trademarks enjoy a widespread reputation and high degree of recognition as a result of their fame and renown and thus the META and QUEST marks are not one that traders could legitimately adopt other than for the purpose of creating the impression of an association with the Complainants.

The META and QUEST trademarks form a distinctive combination that is readily associated with the Complainants.

Articles in the Chinese press on the change of the Complainants’ product name were published several days prior to the registration of the disputed domain names. Consequently, the Panel finds that the Respondent knew of the Complainants’ marks and intentionally intended to create an association with the Complainants and their business at the time of registration of the disputed domain names.

The Panel also notes that:

- a. The registration of four domain names that are so obviously connected with a particular trademark owner by someone with no connection with the trademark owner suggests bad faith. See *Instagram, LLC v. Asif Ibrahim*, WIPO Case No. [D2020-2552](#), which found that given the extent of use and reputation of the complainant's INSTAGRAM trademark, the respondent could not have been unaware of the fact that the disputed domain names he chose could attract Internet users in a manner that is likely to create confusion for such users; and
- b. The Respondent's knowledge of the Complainants' trademark at the time of registering the disputed domain names and the passive holding of the disputed domain names satisfy the bad faith requirement of paragraph 4(a)(iii).
- c. Further inference of bad faith registration and use of the disputed domain names is given by the fact that the Respondent is or used to be associated with several other trade mark abusive domain names.
- d. Inference of bad faith can also be made in the failure to respond to the Complainants' contentions, and the Respondent's lack of any rights or legitimate interests in the disputed domain names.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain names in bad faith.

Therefore, the Complainants have satisfied 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, <metaquest.how>, <metaquest.sc>, <metaquest.skin>, <metaquest.wedding> be transferred to the Complainant Meta Platforms, Inc.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: March 13, 2023