

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC v. Sajid Iqbal  
Case No. D2025-0518

### **1. The Parties**

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

The Respondent is Sajid Iqbal, Pakistan.

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

The disputed domain names <gbwhatsapp.net> and <gbwhatsapppro.click> are registered with Porkbun LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 11, 2025, 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 (Whols Privacy, Private By Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 11, 2025, 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 February 13, 2025.

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 February 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 12, 2025.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on March 17, 2025. 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, WhatsApp LLC, operates one of the world's most popular mobile messaging and communication applications, called "WhatsApp".

The Complainant owns numerous trademark registrations for the trademark WHATSAPP in jurisdictions around the world, including the United States trademark registration No. 3939463 (registered on April 5, 2011) and the European Union trademark registration No. 009986514 (registered on October 25, 2011).

The Complainant also owns numerous domain names comprising the expression "WhatsApp", including <whatsapp.com>, registered on September 4, 2008.

The disputed domain names <gbwhatsapp.net> and <gbwhatsapp.pro> were both registered on March 19, 2024.

The Panel accessed the disputed domain names on March 27, 2025, when they were not linked to any active website. However, the Complainant brought evidence that the disputed domain names were linked to websites entitled "GB WhatsApp", displaying a green-and-white color scheme and modified versions of the Complainant's logos and icons that closely mimicked the official WhatsApp branding. The sites prominently referenced the Complainant's WHATSAPP mark and offered visitors the ability to download an application called "GB WhatsApp" – which is an unauthorized, modified version of the Complainant's official WhatsApp messaging application. There was no disclaimer on the sites to clarify the lack of any relationship with the Complainant.

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

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

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

Notably, the Complainant contends that:

(i) The disputed domain names are identical or confusingly similar to the Complainant's trademark. The Complainant has rights in the WHATSAPP mark by virtue of its trademark registrations worldwide and its extensive use. The disputed domain names incorporate the WHATSAPP mark in its entirety. The only differences are the addition of the letters "gb" at the beginning of each domain and the addition of either an extra "p" or the word "pro" (along with the generic domain extensions ".net" or ".click"). The mere inclusion of the Complainant's famous mark in the domain names is sufficient to establish confusing similarity, as the WHATSAPP mark remains clearly recognizable within the domain names. The additional letters and terms do not avoid a finding of confusing similarity under the Policy.

(ii) The Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not affiliated with the Complainant and has never been authorized or licensed to use the WHATSAPP trademark in any manner. The Respondent is not commonly known by the names "WhatsApp" or "GB WhatsApp," nor by the disputed domain names themselves. The Respondent's use of the disputed domain names is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. Instead, the Respondent is using the disputed domain names to operate websites that offer an unauthorized,

modified version of the Complainant's application, exploiting the WHATSAPP mark to attract users. Such use is inherently deceptive and cannot confer any rights or legitimate interests on the Respondent. The Respondent's websites copy the look and feel of the Complainant's official branding and do not include any disclaimer to inform users that there is no affiliation with the Complainant. In addition, the Complainant's Brand Assets and Guidelines expressly prohibit third parties from using the name "WhatsApp" in domain names, which the Respondent has willfully ignored. Given these facts, the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain names. Since the Respondent has not come forward with any evidence to rebut this showing, the Complainant contends that the second element of the Policy is satisfied.

(iii) The disputed domain names were registered and are being used in bad faith. The Complainant's service and mark were widely known long before the Respondent registered the disputed domain names in March 2024. The Respondent's inclusion of the WHATSAPP mark in the disputed domain names, combined with the content of the Respondent's websites, demonstrates that the Respondent was aware of the Complainant and deliberately targeted the WHATSAPP mark at the time of registration. The term "WhatsApp" is unique to the Complainant, and it is implausible that the Respondent coincidentally chose the exact mark plus additional letters by accident or for some legitimate purpose unrelated to the Complainant. Moreover, the Respondent's use of a privacy service to mask its identity is further evidence of bad faith. The Respondent is also using the disputed domain names in bad faith by intentionally attempting to attract Internet users for commercial gain through confusion with the WHATSAPP mark. Users arriving at the Respondent's websites are likely to be misled into believing that the sites are in some way associated with or endorsed by the Complainant, given the prominent display of the WHATSAPP name and logos and the identical color scheme. Even if the Respondent's websites offer the modified "GB WhatsApp" application for free, there is a commercial benefit or gain for the operators of that application (and by extension the Respondent). Prior UDRP panels, according to the Complainant, have found bad faith in analogous circumstances. The Complainant has tried to contact the Respondent via the Registrar's provided channels prior to filing the Complaint, demanding a takedown or transfer of the domain names, but the Respondent did not reply. The Respondent's failure to respond to these pre-Complaint communications is cited as additional context supporting an inference of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove the following three elements:

- (i) The disputed domain name is identical or confusingly similar to a 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 name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

Annex 9 to the Complaint shows trademark registrations for WHATSAPP as early as in 2011. 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 disputed domain names incorporate the Complainant's trademark WHATSAPP, with respectively the addition of the letters "gb" as a prefix, and of an extra letter "p" or the term "pro" as a suffix, in combination with a generic Top-Level Domain (respectively ".net" and ".click").

Although the addition of other terms (here, "gb" and "pro") may bear on assessment of the second and third elements, the Panel finds the addition of such figure 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.

It is also well established that the addition of a gTLD, such as ".net" or ".click", is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the Panel finds the disputed domain names are confusingly similar to the Complainant's trademark and that 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 Respondents 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel finds no indication that the Respondent is commonly known by the disputed domain names.

The Complainant has asserted that the Respondent is not authorized, nor has obtained any permission to register the disputed domain names.

The Panel finds that the nature of the disputed domain names, comprising essentially the Complainant's famous trademark and additional terms indicate an awareness of the Complainant and its trademark, and an intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests. This conclusion is emphasized by the contents of the websites linked to the disputed domain names – as evidenced by the Complainant –, including references to the Complainant's WHATSAPP mark and an unauthorized, modified version of the Complainant's official WhatsApp messaging application.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain names include the distinctive and notorious trademark WHATSAPP. According to the [WIPO Overview 3.0](#), section 3.1.4, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Actually, when the disputed domain names were registered in 2024, the WHATSAPP trademark was already notorious and directly connected with the Complainant's services and application worldwide.

The Panel concludes that it is unlikely that the Respondent was not aware of the Complainant's trademark and that the registration of the disputed domain names and that the adoption of the expressions "gbwhatsapp" and "gbwhatsapppro" were not a mere coincidence: the WHATSAPP mark is a coined term with no meaning apart from its association with the Complainant's services; the contents of the websites recently linked to the disputed domain names make references to the WHATSAPP brand; and, as evidenced by the Complainant, the Respondent was recently offering for download an unauthorized competing version of the WhatsApp application.

Therefore, the Panel holds that the Respondent is intentionally attempting to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the disputed domain names.

Finally, the passive and non-collaborative posture of the Respondent, not at least providing justifications for the use of the Complainant's trademark, certainly cannot be used in benefit of the Respondent in the present case.

Accordingly, the Panel finds that the disputed domain names were registered and are being used in bad faith, and that the Complainant has also satisfied 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 names <gbwhatsapp.net> and <gbwhatsapppro.click> be transferred to the Complainant.

*/Rodrigo Azevedo/*

**Rodrigo Azevedo**

Sole Panelist

Date: March 31, 2025