

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Muhammad Fahim

Case No. D2025-2117

1. The Parties

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

The Respondent is Muhammad Fahim, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <whatsapk.plus> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 28, 2025. On May 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 30, 2025, 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 (“Whois Privacy, Private by Design, LLC”) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 2, 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 June 4, 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 June 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2025. The Respondent did not submit a Response. Accordingly, the Center notified the Respondent's default on June 26, 2025.

The Center appointed Jon Lang as the sole panelist in this matter on July 2, 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 is a provider of one of the world's most popular mobile messaging apps (WhatsApp). Founded in 2009 and acquired by Meta Platforms, Inc. in 2014, WhatsApp allows users across the globe to exchange messages for free via smartphones. Its main website is at "www.whatsapp.com". The Complainant is the owner of numerous domain names comprising its WHATSAPP trademark, under various generic Top-Level Domains ("gTLDs") as well as under many country code Top-Level Domains, and has also made substantial investments to develop a strong presence online by being active on various social-media forums.

The Complainant is the owner of various trademark registrations for WHATS and WHATSAPP in many jurisdictions throughout the world including the following: United States Trademark Registration No. 3,939,463, for WHATSAPP, registered on April 5, 2011; Indian Trademark No. 2149059, for WHATSAPP, registered on May 24, 2011; European Union Trade Mark No. 017923676, for WHATS, registered on March 8, 2019; and United Kingdom Trade Mark No. 00917923676, for WHATS, registered on March 8, 2019. The Complainant also holds figurative trademark registrations for its telephone logo, including International Registration No. 1109890, registered on January 10, 2012.

The disputed domain name <whatsapk.plus> (hereafter the Domain Name) resolves to a web page titled "Whatsapp Plus" (the Respondent's website) that purports to offer for download an unauthorized modified APK version of the WhatsApp application. The Respondent's website features the following wording: "Whatsapp Plus is an updated form of the original WhatsApp, it is an enhanced and customized unofficial third-party version of the original WhatsApp. The User interface is almost the same as the original WhatsApp. After using it you will feel a lot of modified customizations in the WhatsApp Plus version (MOD Version)."

The Respondent's website features logos and a favicon that are very similar to the Complainant's WhatsApp logo and figurative trademark, as well as a step-by-step guide as to how to download the modified APK version of the WhatsApp application and a table detailing the differences between "the original WhatsApp" and the Respondent's modified APK version of it. The Respondent's website states WhatsApp Plus isn't officially approved by WhatsApp. Using it can lead to account bans because it goes against WhatsApp's terms of service. But you can't call this App a legal one nor illegal one." It also states, "Since WhatsApp Plus isn't official, it's not guaranteed to be safe. Your messages might need to be more secure, and there's a risk of malware." Moreover, the content of the Domain Name indicates that the services there provided are an unofficial version from a third party.

Not much is known about the Respondent, but he was named as the respondent in the case of *WhatsApp, LLC v. Muhammad Fahim*, WIPO Case No. [D2024-4513](#) (<pinkwhatsapp.net> et al.), in which the Panel ordered the transfer of the disputed domain names to the complainant.

On April 14, 2025, the Complainant's lawyers submitted to the Registrar a registrant contact form notice, seeking to contact the Respondent, but no response was received.

5. Parties' Contentions

A. Complainant

The following is a brief summary of the main contentions of the Complainant.

The Domain Name is identical or confusingly similar to the Complainant's trademarks.

- The Complainant owns numerous trademark registrations for WHATS and WHATSAPP in various jurisdictions;
- The Domain Name is confusingly similar to the Complainant's WHATS trademark in that it comprises that mark followed by the term "apk", under the gTLD ".plus";
- The Domain Name also comprises a misspelling of the Complainant's WHATSAPP trademark;
- with the mark altered only by the substitution of the second occurrence of the letter "p" for the letter "k".

The Respondent has no rights or legitimate interests in respect of the Domain Name.

The Respondent is not using the Domain Name in connection with a bona fide offering of goods or services.

- It cannot be viewed as a bona fide service provider, as it does not provide sales or repairs in relation to a product provided by the Complainant. It is in fact using the Domain Name to purport to offer for download an unauthorized, modified APK version of the Complainant's WhatsApp application using the Complainant's WHATS and WHATSAPP trademarks;
- The Respondent is not a licensee of the Complainant, is not affiliated with the Complainant in any way, and has not been authorized to make any use of the WHATS or WHATSAPP trademarks. However, the Respondent's website features the Complainant's WHATSAPP trademark prominently, as well as a logo that is very similar to the Complainant's WhatsApp logo and figurative trademark;
- The use of a domain name to offer for download a modified unauthorized APK version of the Complainant's WhatsApp application, does not give rise to any rights or legitimate interests in the Domain Name and also violates the WhatsApp Terms of Service;

The Respondent is not commonly known by the Domain Name.

- The Respondent registered the Domain Name using a proxy service albeit the identity of the underlying registrant has been disclosed as "Muhammad Fahim", which bears no resemblance to the Domain Name;
- There is no evidence that the Respondent has obtained or applied for any trademark registration or similar right for WHATS, WHATSAPP or "whatsapk", and the use to which the Domain Name has been put does not support any reasonable claim of being commonly known by the Domain Name, or to be entitled to any reputation in the Domain Name independent of the Complainant's trademark rights;
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Name.

- The Respondent is not making any legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers;
- The Respondent is using the Domain Name to purport to offer for download an unauthorized modified version of the Complainant's WhatsApp application, likely for commercial gain, which does not amount to legitimate noncommercial or fair use.

The Domain Name was registered and is being used in bad faith.

Registration in bad faith.

- The Complainant's WHATSAPP trademark is inherently distinctive and well known throughout the world in connection with its messaging application having been continuously and extensively used since launch, and has acquired considerable reputation and goodwill worldwide. As a result of the Complainant's renown and goodwill worldwide, and its trademark rights established long before registration of the Domain Name, the Respondent could not credibly argue that it did not have knowledge of the Complainant's WHATS and WHATSAPP trademarks when it registered the Domain Name;
- All leading search results obtained by typing WHATSAPP into the Google search engine refer to the Complainant;
- The nature of the Respondent's website clearly demonstrates actual knowledge of the Complainant, and the Respondent's use of a proxy service to mask its identity and its failure to respond to the Complainant's lawyers' Registrar registrant contact form notice, constitutes further evidence of bad faith;
- The Respondent was named as the respondent in an earlier UDRP case (as mentioned earlier) in which the Panel ordered a transfer and it is submitted that the Respondent has engaged in a pattern of trademark-abusive registration targeting the Complainant, which amounts to further evidence of the Respondent's bad faith;
- The Respondent registered the Domain Name, not only with full knowledge of the Complainant's rights, but also with the intent to attract Internet users to the Respondent's website for the promotion of an unauthorized modified version of the Complainant's application, in bad faith.

Use in bad faith.

- Given the confusing similarity between the Domain Name and the Complainant's WHATS and WHATSAPP trademarks, together with the content of the Respondent's website, which features prominent references to the Complainant, its WHATSAPP trademark and a modified version of its WhatsApp logo, Internet users are likely to be misled into believing that the Respondent's website is somehow affiliated with or otherwise endorsed by the Complainant, which it is not;
- It is more likely than not that the owner of the APK version of the WhatsApp application that is offered for download via the Respondent's website, derives commercial advantage from the Respondent's unauthorized use of the Complainant's trademark in the Domain Name and on its website;
- The Respondent has used the Domain Name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website and the services offered thereon;

- The promotion of an unauthorized modified APK version of the WhatsApp application not only violates the WhatsApp Terms of Service, but also places the security of WhatsApp users at risk. The Respondent's use of the Domain Name to offer for download the "Whatsapp Plus" APK under the Complainant's trademark, disrupts the Complainant's business by driving WhatsApp users to a third-party application;
- There is no clearly worded disclaimer on the Respondent's website as to the Respondent's lack of relationship with the Complainant, although even if such a disclaimer were featured on the Respondent's website, it would not be sufficient to cure the Respondent's illegitimate use of the Domain Name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires a complainant to prove: (i) that a respondent has registered a domain name which is identical or confusingly similar to a trademark or service mark in which a complainant has rights; (ii) that the respondent has no rights or legitimate interests in respect of the domain name; and (iii) that the domain name has been registered and is being used in bad faith. A complainant must prove each of these three elements to succeed.

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

The Complainant has shown rights in respect of both the WHATSAPP and WHATS trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Both trademarks are recognizable within the Domain Name. So far as the WHATSAPP trademark is concerned, omission of the second letter "p" and substitution of the letter "k", does not prevent a finding of confusing similarity with the Domain Name, i.e. it contains, and its dominant element is, the WHATSAPP trademark. Indeed, section 1.9 of [WIPO Overview 3.0](#) states that "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element".

As to the WHATS trademark, the addition of the term "apk" (an acronym for "Android Package Kit"), again does not prevent a finding of confusing similarity with the Domain Name, i.e. it contains the WHATS trademark. As section 1.8 of [WIPO Overview 3.0](#) states "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".

For the purposes of comparison, the gTLD ".plus" may be ignored.

The Panel finds that the Domain Name is confusingly similar to both the WHATSAPP and WHATS trademarks for the purposes of the Policy and thus paragraph 4(a)(i) of the Policy (the first element) 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.

A respondent can show it has rights to or legitimate interests in a domain name in various ways even where, as is the case here, it is not licensed by or, by agreement or otherwise, legitimately affiliated with a complainant. For instance, a respondent can show that it has been commonly known by the domain name or that it is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. A respondent can also show that it is using a domain name in connection with a bona fide offering of goods or services.

There is nothing on the record to indicate that the Respondent is commonly known by the Domain Name. The Domain Name was designed to be mistakenly seen as incorporating the WHATSAPP and WHATS trademarks so as to mislead Internet users into believing that the Domain Name and website to which it resolves, which offers for download a modified unauthorized APK version of the Complainant’s WhatsApp application, is genuinely associated in some way with the Complainant, no doubt for commercial gain. In these circumstances, it cannot be said that there is legitimate noncommercial or fair use without intent for commercial gain to mislead, or a bona fide offering of goods or services.

The Domain Name clearly seeks to create an association with the Complainant in the minds of Internet users. As far as the WHATSAPP trademark is concerned, the Domain Name appears to be a clear case of typosquatting i.e. the deliberate but usually minor misspelling of another’s trademark to mislead. Section 1.9 of the [WIPO Overview 3.0](#) makes clear that under “the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant”. The Respondent’s website features the Complainant’s WHATSAPP trademark prominently, as well as a logo that is very similar to the Complainant’s WhatsApp logo and figurative trademark. There seems little doubt that it can be regarded as an infringing website. The substitution of the letter “k” for the second letter “p” (which would have created a domain name identical to the WHATSAPP trademark) does not appear to have been added in an attempt to avoid the misleading impression created by the Domain Name and, in any event, would be insufficient to do so. As to the WHATS trademark, this has been incorporated into the Domain Name in its entirety.

The Respondent has not come forward with a Response and has failed to respond to the pre-Complaint attempt to engage with him.

In all the circumstances, there is nothing to indicate that the Respondent has rights or legitimate interests in the Domain Name. The contentions of the Complainant have been made out but not answered and accordingly, the Panel finds that the Complainant has fulfilled the requirements of paragraph 4(a)(ii) of the Policy (the second element).

C. Registered and Used 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 too 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 Respondent was obviously aware of the Complainant and its WHATSAPP and/or WHATS trademarks at the time of registration of the Domain Name given its formulation and the use to which it has been put.

One way a complainant may demonstrate bad faith registration and use is to show that a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of its website or of products or services on it.

The Panel finds that these circumstances have been established in this Complaint. The purpose behind registration of the confusingly similar Domain Name, the dominant element of which is, i) a slightly misspelt version of the Complainant's WHATSAPP trademark and ii), its WHATS trademark in its entirety, was to attract Internet users to the Respondent's website. That website offers users an unauthorized modified APK version of the Complainant's WhatsApp application, whilst making use of logos and a favicon that are very similar to the Complainant's WhatsApp logo and figurative trademark. Such circumstances are clear evidence of bad faith within the meaning of 4(b)(iv) of the Policy.

The Panel finds that there is evidence of both registration and use of the Domain Name in bad faith (the third element).

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <whatsapk.plus> be transferred to the Complainant.

/Jon Lang/

Jon Lang

Sole Panelist

Date: July 16, 2025