

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Adila Ayaz, Freelance
Case No. D2025-0221

1. The Parties

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

The Respondent is Adila Ayaz, Freelance, Pakistan.

2. The Domain Names and Registrar

The disputed domain names <gbwhatsappproz.com> and <gbwhatsappproz.net> are registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") in relation to the disputed domain name <gbwhatsappproz.com> on January 21, 2025. On January 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 22, 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 (Redacted for Privacy, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 23, 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 adding the disputed domain name <gbwhatsappproz.net> to the proceeding, on February 4, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint together with 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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 28, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on March 5, 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 United States-based company, which provides a widely known and popular service to exchange messages via smartphones.

The Complainant is the owner of the word and figurative mark WHATSAPP, which is registered in a large number of jurisdictions around the world. Among many others, the Complainant is the owner of the United States Trademark Registration No. 3939463, registered on April 5, 2011, for WHATSAPP, covering protection for various services as covered in class 42, and the International Trademark Registration No. 1085539, registered on May 24, 2011, for WHATSAPP, covering protection for various goods and services as protected in class 9 and 38.

The Complainant further holds and operates various domain names consisting of or including its WHATSAPP trademark, such as <whatsapp.com>.

The Respondent is reportedly located in Pakistan.

Both disputed domain names were registered on April 26, 2024.

According to the documents provided by the Complainant, the disputed domain name <gbwhatsapproz.com> resolves to a website in English language that prominently uses the WHATSAPP trademark to allegedly offer unauthorized modified versions of the Complainant's mobile application. Even though the associated website features a tab titled "Disclaimer", the respective wording relates to a general limitation of liability without describing the (lack of) relationship between the Parties.

The disputed domain name <gbwhatsapproz.net> does not resolve to an active website and, according to the Complainant, does not appear to have ever resolved to an active website since its registration.

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.

B. Respondent

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

6. Discussion and Findings

According to paragraph 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.

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 a trademark in which the Complainant has rights;
- (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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not formally replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel might, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

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

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.

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

The entirety of the WHATSAPP mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the WHATSAPP mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms and letters, here "gb" and "proz", may bear on assessment of the second and third elements, the Panel finds such addition does not prevent a finding of confusing similarity between the disputed domain names and the WHATSAPP mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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.

Even more, the Panel notes that the Respondent's website associated with the disputed domain name <gbwhatsapproz.com> clearly establishes a link to the Complainant, particularly by explicitly referring to the Complainant's WHATSAPP trademark and its mobile application. Noting the confusingly similar nature of the disputed domain name, the Panel has no doubt that the Respondent's intent is to create confusion with the Complainant and its mobile messaging services and to direct Internet users to its own website, apparently for commercial gain, which in view of the Panel cannot constitute a bona fide commercial use or a legitimate noncommercial or fair use of the disputed domain name and, hence, cannot confer rights or legitimate interests upon the Respondent.

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.

In the present case, the Panel notes that the Respondent must have had the Complainant and its WHATSAPP trademark in mind when registering the disputed domain names. In light of the confusing similarity between the disputed domain names and the widely known WHATSAPP trademark, and the explicit reference to the Complainant's mobile application services on the website associated with the disputed domain name <gbwhatsapproz.com>, it is obvious to the Panel that the Respondent has deliberately chosen the disputed domain names to mislead Internet users. Consequently, the Panel is convinced that the Respondent has registered the disputed domain names in bad faith.

With respect to the use of the disputed domain names in bad faith, the Panel finds that the Respondent uses the disputed domain name <gbwhatsapproz.com> in order to generate traffic to its own website by deliberately misleading Internet users in a false belief that the associated website is either operated or at least authorized by the Complainant. The prominent references to the Complainant's WHATSAPP mark, the offering of an unauthorized modified version of the Complainant's mobile application, as well as the confusingly similar nature of the disputed domain name is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract, apparently for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its WHATSAPP trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

With respect to the disputed domain name <gbwhatsapproz.net>, the Panel notes that it has yet not been actively used and does not resolve to an active website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the current record, and particularly given the cumulative above-noted circumstances in relation to the disputed domain name <gbwhatsapproz.com>, the Panel finds that the non-use of the disputed domain name <gbwhatsapproz.net> does not prevent a finding of bad faith in this respect.

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 names <gbwhatsappproz.com> and <gbwhatsappproz.net> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: March 19, 2025