

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Sumer Sodha Sumer Sodha
Case No. D2025-0299

1. The Parties

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

The Respondent is Sumer Sodha Sumer Sodha, India.

2. The Domain Names and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2025. On January 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 28, 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 (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 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 5, 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 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. The Respondent sent an email communication to the Center on February 11, 2025. On February 27, 2025, the Center notified the Parties that it will proceed to Panel Appointment.

The Center appointed Assen Alexiev 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 global leader in messaging services for mobile devices. It was founded in 2009 and in 2014, it was acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.).

The Complainant is the owner of the following trademark registrations for WHATSAPP (the "WHATSAPP trademark"):

- the United States trademark WHATSAPP with registration No. 3939463, registered on April 5, 2011, for services in International Class 42;
- the International trademark WHATSAPP with registration No. 1085539, registered on May 24, 2011, for goods and services in International Classes 9 and 38;
- the European Union Trade Mark WHATSAPP with registration No. 009986514, registered on October 25, 2011, for goods and services in International Classes 9, 38, and 42; and
- the Indian trademark WHATSAPP with registration No. 3111463, registered on November 30, 2015, for goods and services in International Classes 9, 35, 36, 38, 42, and 45.

The Complainant also operates the domain name <whatsapp.com> registered on September 4, 2008, which resolves to the official website for its WhatsApp messaging platform.

The disputed domain names were registered on June 17, 2024. They both resolve to websites that offer for download an unofficial modified APK (Android Package Kit) version of the Complainant's WhatsApp application. The website at the disputed domain name <whatsappgb.net> is in English and has the title "GBWhatsApp APK v18.50 (Official & Anti-Ban) Download Latest March 2025". The website at the disputed domain name <pluswhatsapp.net> is in Spanish and has the title "WhatsApp Plus APK v18.30 Descargar (Última versión) oficial 2025", translated in English as "WhatsApp Plus APK v18.30 Official Download (Latest Version) 2025".

5. Parties' Contentions

A. Complainant

The Complainant submits that the disputed domain names are confusingly similar to its WHATSAPP trademark, because they incorporate this trademark in combination with the term "plus" or the letters "gb". The Complainant maintains that the addition of these elements does not prevent a finding of confusing similarity with the WHATSAPP trademark, which remains clearly recognizable in the disputed domain names.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain names, because it is not a licensee of the Complainant and is not affiliated with it, and the Complainant has not authorized the Respondent to use the WHATSAPP trademark. The Complainant also states that the Respondent is not commonly known by the disputed domain names and has not obtained any relevant trademark rights, and adds that the Respondent's registration of the disputed domain names violates the WhatsApp Brand Assets and Guidelines.

The Complainant further submits that the disputed domain names are being used to offer for download unauthorized modified APK versions of the Complainant's WhatsApp application using the Complainant's WHATSAPP trademark, so the Respondent cannot be regarded as a bona fide service provider, as it does not provide sales or repairs in relation to a product provided by the Complainant. The Complainant adds that

even if the Oki Data criteria are applied, the Respondent does not fulfil two of them, because it offers for download third-party unauthorized APK versions of the Complainant's official WhatsApp application and not the original product of the Complainant, and because the websites at the disputed domain names do not disclose the lack of relationship between the Parties.

According to the Complainant, the Respondent's use of the disputed domain names to offer unauthorized APK versions of the WhatsApp application also violates its Terms of Service, which prohibit its modification, alteration, reverse engineering, and the creation of derivative works from it. The Complainant notes in this regard that it is committed to maintaining the integrity of the WhatsApp service and does not support such third-party applications.

The Complainant submits that it is more likely than not that the Respondent ultimately derives commercial gain, including reputational advantage, from the unauthorized use of the WHATSAPP trademark in the disputed domain names and on the associated websites, and notes that the website at the disputed domain name <whatsappgb.net> features commercial advertising banners.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. It states that its WHATSAPP trademark is inherently distinctive and well-known throughout the world in connection with its messaging application, having been continuously and extensively used since the respective launching of its services, and having acquired considerable reputation and goodwill worldwide. The Complainant notes that the websites at the disputed domain names demonstrate the Respondent's actual knowledge of the Complainant and its trademark, as they make prominent reference to the Complainant, its WHATSAPP trademark and official application and feature modified versions of the Complainant's logo and figurative trademark. According to the Complainant, the Respondent registered the disputed domain names with the intent to attract Internet users to the websites at the disputed domain names by misleading them that the websites at the disputed domain names are affiliated with or endorsed by the Complainant, with the aim to promote unauthorized modified versions of the Complainant's application. The Complainant points out that this activity of the Respondent violates the WhatsApp Terms of Service and places the security of WhatsApp users at risk and disrupts the Complainant's business.

The Complainant states that on December 3, 2024, its counsel submitted notices to the Respondent via the Registrar's registrant contact form in relation to each of the disputed domain names but received no response.

B. Respondent

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

In its informal letter to the Center, the Respondent states that its website operates as a general information blog and does not violate the UDRP. The Respondent notes that its website contains a statement that it is not affiliated with the Complainant and contains a dedicated disclaimer that it is not associated with any trademark holder. The Respondent maintains that it operates legitimately and transparently, ensuring that its content does not mislead users or infringe upon any trademark rights.

6. Discussion and Findings

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.

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 Panel finds the WHATSAPP trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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. The Respondent has not denied the contentions of the Complainant and the evidence submitted by it.

The disputed domain names are confusingly similar to the Complainant’s WHATSAPP trademark, and the evidence in the case shows that they are being used for websites that feature the same trademark and purportedly offer for download an unofficial and unauthorized APK version of the Complainant’s WhatsApp application. The above supports a finding that the Respondent, being aware of the popularity of the Complainant’s WhatsApp service and of its WHATSAPP trademark, has more likely than not registered and used the disputed domain names in an attempt to exploit their popularity to attract Internet users to the Respondent’s websites at the disputed domain names and to offer them to download and use an unauthorized application. The website at the disputed domain name <whatsappgb.net> also features commercial advertising banners, indicating an attempt to derive commercial benefit from the operation of that website. In light of the foregoing, the Panel does not regard the Respondent’s conduct as a legitimate activity that may give rise to rights or legitimate interests in the disputed domain names under the Policy.

The Panel notes the Respondent’s allegation that the websites at the disputed domain names contain disclaimers but finds that their presence does not render the Respondent’s activities bona fide under the Policy. When Internet users have a chance to read the disclaimers, they have already been attracted to the Respondent’s website, under the impression that the disputed domain names and the websites are associated with the Complainant’s WHATSAPP trademark and would have been exposed to the offer for download of the unauthorized APK version of the Complainant’s application.

Therefore, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain names and that 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.

The disputed domain names are confusingly similar to the WHATSAPP trademark and contain the dictionary word “plus” or the letters “gb”. The Respondent does not deny that it has used the disputed domain names for websites that offer for download an unofficial and unauthorized APK version of the Complainant’s WhatsApp application. The website at the disputed domain name <whatsappgb.net> contains commercial advertising banners, which demonstrates an attempt to obtain commercial benefit.

As discussed in the section on rights and legitimate interests above, the presence of a disclaimer on the Respondent’s website does not render its activities bona fide under the Policy. Taking the above into account, the Panel accepts that the Respondent has registered and used the disputed domain names with knowledge of the Complainant and targeting the WHATSAPP trademark in an attempt to attract, for commercial gain, Internet users to the Respondent’s websites, by creating a likelihood of confusion with the WHATSAPP trademark as to the affiliation or endorsement of its website and of the unofficial version of the Complainant’s application offered for download on it.

The Panel therefore 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 <pluswhatsapp.net> and <whatsappgb.net> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: March 13, 2025