

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC v. Sajid Iqbal  
Case No. D2025-0383

### **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 <gbwhatsappdownloads.org> and <gbwhatsapp.lat> 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 31, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 31, 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 February 3, 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 6, 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 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 March 7, 2025.

The Center appointed Gill Mansfield as the sole panelist in this matter on March 14, 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 applications, WhatsApp. It was founded in 2009 and was acquired by Meta Platforms, Inc (formerly known as Facebook, Inc.) in 2014. WhatsApp allows users across the globe to exchange messages for free via smartphones, including iPhone and Android. Since its launch, WhatsApp has become one of the fastest growing mobile applications in the world. It had over 2.6 billion monthly active users worldwide as of January 2023. It is consistently ranked amongst the 25 most popular free mobile phone applications on Google Play and Apple iTunes and ranked in Tech Radar's Best Android applications. It is currently the third most downloaded application worldwide and the second most downloaded in Pakistan (where it appears that the Respondent is located), according to applications information company Data.ai. The Complainant has a strong online presence and is active on various social-media platforms.

The Complainant has a portfolio of registrations for the WHATSAPP trademark, including (inter alia) the following:

- United States trademark registration number 3939463 for WHATSAPP (word mark) registered on April 5, 2011 in class 42.
- Pakistan trademark registration number 302143 for WHATSAPP (word mark) registered on February 26, 2015 in class 38.
- International trademark registration number 1085539 for WHATSAPP (word mark) registered on May 24, 2011 in classes 9 and 38.

The Complainant also holds figurative trademark registrations for its telephone logo including:

- International trademark registration number 1109890 for  (figurative mark) registered on January 10, 2012 in classes 9 and 38.

The Complainant is the owner of numerous domain names comprising the WHATSAPP trademark. Those domain names include <whatsapp.com> registered on September 4, 2008, <whatsapp.net> registered on February 20, 2009 and <whatsapp.org> registered on February 1, 2010.

The Complainant's main website is available at "www.whatsapp.com" and allows Internet users to access its messaging platform.

The disputed domain names were both registered on March 13, 2024. At the time of the Complaint, the disputed domain name <gbwhatsapp.lat> resolved to an active website promoting and offering for download a modified Android Package Kit (APK) version of the WhatsApp application known as "GBWhatsApp". At the time of the Complaint, the disputed domain name <gbwhatsappdownloads.org> also resolved to a similar active website promoting and offering for download of a modified version of the WhatsApp application referred to as "GBWhatsApp". The two websites are referred to collectively as the Respondent's websites.

The record shows that the Complainant contacted the Respondent on January 9, 2025 via the Registrar's registrant contact forms but received no response.

## **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 the disputed domain names are confusingly similar to the Complainant's trademark. The Complainant refers to the fact that it owns numerous trademark registrations for WHATSAPP and therefore has established trademark rights for the purposes of the Policy. It states that the disputed domain names incorporate the Complainant's WHATSAPP trademark in its entirety with the addition of the prefix "gb" and, in the case of one of the disputed domain names, the inclusion of the dictionary term "downloads", plus the generic Top-Level Domains ("gTLDs") ".lat" and ".org" respectively.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names and that the Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy. The Complainant submits that the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services. It states that the Respondent is not a licensee of the Complainant. Further the Respondent is not affiliated with the Complainant in any way, nor has the Complainant authorised the Respondent to make any use of the WHATSAPP trademark, in a domain name or otherwise. It contends that the Complainant's Brand Assets and Guidelines specifically prohibit the registration of domain names that comprise of any WHATSAPP trademark or anything similar, and the use of trademarks, names, domain names, logos and other content that could be confused with WHATSAPP. It also contends that the Respondent's use of the disputed domain names to offer an unauthorized version of the Complainant's WhatsApp application, developed by an unrelated third party, violates the WhatsApp Terms of Service. As such there can be no bona fide offering of goods or services within the terms of the Policy.

The Complainant asserts that the Respondent cannot legitimately claim to be commonly known by the disputed domain names given that neither the Respondent's name nor the Respondent's organisation bear any resemblance to the disputed domain names. The Complainant also asserts that the Respondent is not making a legitimate noncommercial fair use of the disputed domain names. It contends that the composition of the disputed domain names, and the fact that the Respondent's websites feature a variation of the Complainant's distinctive logo, figurative trademark and a similar colour scheme to that used by the Complainant, exclude any fair use, as they falsely suggest an affiliation with the Complainant that does not exist.

Finally, the Complainant contends that the disputed domain names were registered and are being used in bad faith. It submits that the WHATSAPP trademark is inherently distinctive and renowned throughout the world in connection with the Complainant's messaging application, and has acquired considerable reputation and goodwill throughout the world. It also submits that it would not be credible for the Respondent to argue that it did not have knowledge of the Complainant and its WHATSAPP trademark at the time it registered the disputed domain names, and that the nature of the Respondent's websites demonstrate actual knowledge of the Complainant and its trademark. The Complainant argues that, in the absence of any disclaimer, Internet users are likely to be misled into believing that the Respondent's websites are somehow affiliated with the Complainant, and that the Respondent has used the disputed domain names to intentionally attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

### **B. Respondent**

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

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and
- (iii) that 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.

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 entirety of the mark is reproduced within the disputed domain names (and is clearly recognizable as the dominant element in the disputed domain names). Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, the addition of the prefix "gb" in respect of both of the disputed domain names and in the case of the disputed domain name <gbwhatsappdownloads.org> the addition of the term "downloads") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the 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.

The Respondent is not a licensee of the Complainant, is not affiliated with the Complainant in any way and had not been authorised by the Complainant to make any use of the WHATSAPP trademark in a domain name, or otherwise.

The Panel finds that the Respondent is not using the disputed domain names in connection with a bona fide offering of good and services. As noted above, the disputed domain names both resolved to active websites that were used to offer for download an unauthorized, modified, third-party version of the Complainant's WhatsApp application. The record shows that the Respondent's websites featured the Complainant's WHATSAPP trademark and use a logo that is very similar to the Complainant's WHATSAPP figurative trademark and logo in order to promote the unauthorized, modified, third-party version of the Complainant's WhatsApp application.

There is no evidence that the Respondent is commonly known by the disputed domain names. On the contrary it is clear from the record that neither the Respondent's name nor the name of the organisation listed by the Respondent with the Registrar bear any resemblance to either of the disputed domain names. There is also no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names.

The Panel notes the composition of the disputed domain names, which incorporate the Complainant's WHATSAPP trademark in full, with the addition of the prefix "gb" in both disputed domain names and with the addition of the word "downloads" in the case of one of the disputed domain names. The Panel also notes that the term "downloads" is directly related to the Complainant's field of commerce.

As such the Panel finds that that the composition of the disputed domain names is such as to carry a risk of implied affiliation which cannot constitute fair use, as it effectively impersonates the Complainant, or suggests affiliation with, or sponsorship or endorsement by, the Complainant ([WIPO Overview 3.0](#), section 2.5.1).

Further, according to paragraph 14(b) of the Rules, the Panel may draw from the lack of response of the Respondent such inference as it considers appropriate. The Panel is of the view that the lack of response from the Respondent corroborates the absence of any rights or legitimate interests of the Respondent in the disputed domain names.

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.

In the present case, the Panel notes that the Complainant's WHATSAPP trademark is inherently distinctive and, as previous panels have also noted, has acquired considerable reputation and goodwill worldwide. Panels have consistently found that 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. [WIPO Overview 3.0](#), section 3.1.4.

In the circumstances, and given the worldwide reputation and renown of the Complainant's WHATSAPP trademark it is implausible that the Respondent did not have knowledge of the Complainant and its trademarks when it registered the disputed domain names in 2024.

Moreover, the Panel notes that the websites associated with the disputed domain names offer for download an unauthorized and modified version of the Complainant's WhatsApp application developed by a third party. The website associated with the disputed domain name <gbwhatsapp.lat> makes prominent reference to the Complainant's WHATSAPP trademark, features a logo that has a similar "look and feel" to the Complainant's figurative trademark and logo, and uses a similar green colour scheme. The website associated with the disputed domain name <gbwhatsappdownloads.org> also features a green colour scheme similar to that of the Complainant and a logo that is also similar to that of the Complainant. Neither website contains any

disclaimer clarifying that they are not related to or in any way associated with the Complainant. The nature and content of the Respondent's websites clearly indicates that the Respondent had actual knowledge of the Complainant, its WhatsApp application and the WHATSAPP trademark.

Consequently, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating the likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's websites and services offered in the Respondent's websites under paragraph 4(b) of the Policy.

Having reviewed the available record, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 <gbwhatsappdownloads.org> and <gbwhatsapp.lat> be transferred to the Complainant.

*/Gill Mansfield/*

**Gill Mansfield**

Sole Panelist

Date: March 29, 2025