

ADMINISTRATIVE PANEL DECISION

WhatsApp, LLC v. Shoaib Ahmed
Case No. D2025-0460

1. The Parties

The Complainant is WhatsApp, LLC, United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is Shoaib Ahmed, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <gbwhatsappapk.pro> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 5, 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 disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 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 12, 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 6, 2025.

The Center appointed Torsten Bettinger as the sole panelist in this matter on March 11, 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 provides the well-known WhatsApp mobile messaging application, used by people around the world to communicate with one another.

The Complainant also offers business users the WhatsApp Business Platform, to enable larger businesses to chat with customers at scale through programmatic access to WhatsApp.

The Complainant owns a number of registrations for the trademark WHATSAPP, including United States Reg. No. 3,939,463, registered on April 5, 2011.

In addition to the <whatsapp.com> domain name, the Complainant owns and operates numerous other domain names consisting of the WhatsApp Mark in combination with various generic and country code Top-Level Domain extensions, including <whatsapp.net>, <whatsapp.org>, <whatsapp.us>, <whatsapp.cl>, <whatsapp.co.za>, <whatsapp.es>, <whatsapp.com.tr> and <whatsapp.in>.

According to the Whois records, the disputed domain name was registered on March 25, 2024.

The Respondent has used the disputed domain name to resolve to website content that targets the Complainant by offering an unauthorized modified version of the Complainant's app, whilst making prominent use of the Complainant's trademarks, specifically the Complainant's pictorial logo marks and trade dress, both on the webpage and in the website favicon.

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 name.

With regard to the requirement of "identity or confusing similarity between the trademark and the domain name" pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that:

- the disputed domain name is composed of Complainant's WHATSAPP Trademark in full, and that the addition of the letters "gb" (which might refer to "gigabyte" and the letters "apk" (an acronym for Android Package Kit) does not prevent a finding of confusing similarity with Complainant's WHATSAPP trademark, because it is clearly recognizable within the disputed domain name;
- the gTLD ".pro" may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submitted that:

- the Respondent has not acquired, nor applied for a trademark registration for "GB WHATSAPP APK", nor any variation thereof as reflected in the disputed domain name;
- the Respondent is not a licensee of the Complainant, nor are they affiliated with the Complainant in any way;

- the Complainant has not authorized the Respondent to make any use of its WHATSAPP Trademarks, in a domain name, in a mobile app, in the use of its logos on the website, or otherwise;
- the Respondent's use of the disputed domain name to offer a modified version of the Complainant's WhatsApp mobile application does not suggest in any reasonable way that the Respondent is commonly known by the disputed domain name, nor does it give rise to any reputation in the disputed domain name itself, independent of the Complainant's well-established trademark rights;
- the Respondent's website content is specifically targeting the Complainant, entailing a high risk of implied affiliation with the Complainant;
- the Respondent has configured the disputed domain name to resolve to website content that specifically targets the Complainant by offering an unauthorized modified version of the Complainant's app, whilst making prominent use of the Complainant's trademarks, specifically the Complainant's pictorial logo marks and trade dress, both on the webpage and in the website favicon;
- the website content and favicon displays a logo that is confusingly similar to the Complainant's, by replicating the Complainant's trade dress, specifically the Complainant's official green color, and even using the same white elements from the original design mark to achieve a similar look and feel;
- the Complainant's use of the disputed domain name is therefore likely to confuse users into believing that the disputed domain name and the Respondent's use of the phrase "GB WhatsApp APK" are operated, approved of, sponsored by, or affiliated with the Complainant and such implied affiliation or sponsorship cannot constitute legitimate or non-commercial fair use under the Policy.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that:

- 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 the respective launching of its services in 2009, and having acquired considerable reputation and goodwill worldwide;
- in choosing a domain name that so closely resembles the Complainant's WHATSAPP trademark to promote an unauthorized, derivative, competing service, the Respondent is taking advantage of the Complainant's mark for commercial gain;
- given the composition of the disputed domain name and noting the nature of the website, Internet users are likely to believe that the Respondent's website, along with the modified unauthorized "GBWhatsApp APK" application promoted therein, are affiliated with or somehow endorsed by the Complainant;
- by using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the goods and services marketed therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy;
- the modified WhatsApp applications promoted via the disputed domain name may be used to harvest data or to steal WhatsApp users' account credentials, for phishing or for other unauthorized or illegal activities.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three following 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.

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

Although the addition of the letters "gb" (which might refer to "gigabyte") and the letters "apk" (an acronym for Android Package Kit), may bear on assessment of the second and third elements, the Panel finds the addition of these additional letters does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

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.

Based on the record, the Complainant asserts that the Respondent has used the disputed domain name for a website that offers an unauthorized modified version of the Complainant's app, whilst making prominent use of the Complainant's trademarks, specifically the Complainant's pictorial logo marks and trade dress, both on the webpage and in the website favicon. Panels have held that the use of a domain name for illegal activity, here impersonating the Complainant for fraudulent purposes, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 name such as those enumerated in the Policy or otherwise.

The Panel therefore 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 provided evidence of multiple trademark registrations for the WHATSAPP mark that predate the registration of the disputed domain name.

In light of the extensive use of the Complainant's WHATSAPP trademark and the fact that the disputed domain name resolves to a website that apparently attempts to impersonate the Complainant, the Panel has no doubt that the Respondent was aware of the Complainant and the Complainant's trademark rights when registering the disputed domain name.

The Panel therefore concludes that the Respondent registered the disputed 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 registered the disputed domain name with the bad faith intent to attract Internet users, for commercial gain, by creating a likelihood confusion with the Complainant. Moreover, the website has deceived consumers by using the Complainant's WHATSAPP trademark and distinctive logo on its website offering an unauthorized modified version of Complainant's app, whilst making prominent use of the Complainant's trademarks, specifically the Complainant's pictorial logo marks and trade dress, both on the webpage and in the website favicon.

Panels have held that the use of a domain name for illegal activity, here impersonating the Complainant for fraudulent purposes, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 name <gbwhatsappapk.pro> be transferred to the Complainant.

/Torsten Bettinger/

Torsten Bettinger

Sole Panelist

Date: March 25, 2025