

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Red Whatsapp
Case No. D2025-0528

1. The Parties

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

The Respondent is Red Whatsapp, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <redwhatsapp.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 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 sent an email communication to the Complainant on February 13, 2025, providing the registrant and contact information disclosed by the Registrar.

The Center verified that the 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 proceeding commenced on February 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2025.

The Center appointed Gill Mansfield as the sole panelist in this matter on March 20, 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 fourth most downloaded application worldwide. 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.

In addition, the Complainant also holds figurative trademark registrations for its telephone logo including (inter alia):

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

It owns numerous domain names comprising the WHATSAPP trademark including <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 registered at "www.whatsapp.com" and also allows Internet users to access its messaging platform.

The disputed domain name was registered on April 3, 2024. It resolves to an active website that purports to offer for download an unauthorised modified Android Package Kit (APK) version of the WhatsApp application with additional features that are not offered via the official WhatsApp application.

The record shows that the Complainant's lawyers sent a cease-and-desist letter to the Respondent on January 13, 2025 and 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 name.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark. It points to the fact that it has numerous trademark registrations for WHATSAPP and that the disputed domain name is an obvious misspelling of the WHATSAPP trademark where the first letter "a" in WHATSAPP is omitted, preceded by the term "red". It contends that, as a result, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

It also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant states that the Respondent is not a licensee of the Complainant, is not affiliated with the Complainant in any way, and that the Complainant has not authorised the Respondent to make any use of the WHATSAPP trademark in the disputed domain name, or otherwise. It notes that the disputed domain name consists of a misspelling of the WHATSAPP trademark that violates the WhatsApp Brand Assets and Guidelines. The Complainant goes on to state that Respondent's website features the WHATSAPP trademark, and logos that are very similar to the Complainant's logo and figurative trademark, to promote the downloading of a modified third-party version of the Complainant's WhatsApp application. As such, it contends that there is a risk of affiliation and that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods and services within the meaning of the Policy.

The Complainant asserts that the Respondent cannot legitimately claim to be known by the disputed domain name. It refers to the fact that the Whois record for the disputed domain name indicates that the registrant is "Red Whatsapp", that there is no evidence that the Respondent is "commonly known" by such a name apart from the disputed domain name, and that the Respondent has not come forward with any evidence showing that it is commonly known by the disputed domain name.

Further, the Complainant argues that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraph 4(c) of the Policy as the Respondent is using the disputed domain name to purport to offer for download an unauthorised modified version of the Complainant's WhatsApp application developed by a third party. The Complainant also notes that this is a violation of the WhatsApp Terms of Service.

The Complainant also contends that the disputed domain name was registered and is being used in bad faith. It states that the WHATSAPP trademark is inherently distinctive and well known throughout the world in connection with its messaging application, having been continuously and extensively used since its launch, acquiring considerable reputation and goodwill worldwide. It submits that as a result the Respondent could not credibly argue that it did not have knowledge of the Complainant's trademark when it registered the disputed domain name. It further submits that the Respondent's website clearly demonstrates actual knowledge of the Complainant and its trademark. The Complainant submits that the Respondent registered the disputed 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 unauthorised modified version of the Complainant's application.

The Complainant again notes the similarity between the Complainant's trademark and the disputed domain name, and that the content of the website which the disputed domain name resolves to features prominent references to the Complainant and variations of its WhatsApp logo. It asserts that Internet users are likely to be misled into believing that the Respondent's website is in some way affiliated with, or endorsed by, the Complainant. It also asserts that the Respondent has used the disputed domain name to intentionally attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's trademark in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

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 Panel finds the mark is recognizable 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.

The Panel notes that the disputed domain name comprises an obvious misspelling of the Complainant's WHATSAPP trademark where the first letter "a" in WHATSAPP has been omitted, and that the prefix "red" has been added. 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 trademark for the purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

Although the addition of other terms (here, the addition of the prefix "red") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name 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 name. 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 Respondent is not a licensee of the Complainant. The Respondent is not affiliated with the Complainant in any way and the Complainant has not authorised the Respondent to make use of the WHATSAPP trademark in a domain name or otherwise. The record shows that the disputed domain name resolves to an active website that is being used to offer for download an unauthorised modified APK version of the Complainant's own WhatsApp application developed by a third party. That website prominently uses the Complainant's own trademark and telephone logos that are very similar to the Complainant's logo and figurative trademark. The Panel finds that this cannot constitute use of the disputed domain name in

connection with a bona fide offering of goods or services under Paragraph 4(c)(i) of the Policy. There is also no evidence that the Respondent is “commonly known” by the disputed domain name.

The Panel notes the composition of the disputed domain name, which comprises an obvious and intentional misspelling of the Complainant’s WHATSAPP trademark where the first “a” in WHATSAPP has been omitted, and the addition of the descriptive prefix “red”. As such the Panel finds that the composition of the disputed domain name 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. That risk of implied affiliation is further reinforced by the content of the website and the use of the Complainant’s trademark and logos similar to the Complainant’s logo and figurative trademark.

In addition, under 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 name.

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 widely known throughout the world in connection with its messaging application. Having reviewed the available record, the Panel finds that the Complainant’s trademark has acquired considerable reputation and goodwill worldwide.

Panels have consistently found that the mere registration of a domain name that is identical or, as here, confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), paragraph 3.1.4.

In the circumstances, the Panel accepts that (given the worldwide reputation and renown of the Complainant’s WHATSAPP trademark) it is completely implausible that the Respondent was not aware of the Complainant and its trademarks when the disputed domain name was registered.

Further, and as noted above, the record shows that the disputed domain name resolves to a website that prominently uses the Complainant’s trademark, features logos that are very similar to the Complainant’s own logo and figurative trademark, and offers for download an unauthorised modified version of the Complainant’s own WhatsApp application developed by a third party. The content of that website repeatedly references the Complainant’s WhatsApp application. The nature and content of the website clearly indicates that the Respondent had actual knowledge of the Complainant, its WhatsApp application and the WHATSAPP trademark and specifically targeted it.

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 website and services offered in the Respondent’s website 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 name 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 name <redwhatsapp.com> be transferred to the Complainant.

/Gill Mansfield/

Gill Mansfield

Sole Panelist

Date: April 3, 2025