

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. soubick das
Case No. D2025-0686

1. The Parties

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

The Respondent is soubick das, India.

2. The Domain Name and Registrar

The disputed domain name <jtwhatsapp.com> 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 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 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 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 26, 2025.

The Center appointed Knud Wallberg as the sole panelist in this matter on April 1, 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 the provider of the WhatsApp application, a popular mobile messaging application allowing users to exchange messages via smartphones without having to pay for short message service (SMS) messages. The Complainant was founded in 2009, and its WhatsApp application now has over 2 billion active users worldwide.

The Complainant has registered numerous trademarks consisting of the term “Whatsapp” in many jurisdictions throughout the world, including International Registration No. 1085539, WHATSAPP, registered on May 24, 2011, for goods and services in international classes 9, and 38, and Indian Trademark Registration No. 2149059, WHATSAPP, registered on May 24, 2011, in classes 9, and 38.

The Complainant is also the owner of numerous domain names, consisting of the WHATSAPP trademark, under various generic Top-Level Domains (“gTLDs”) as well as under many country code Top-Level Domains (“ccTLDs”).

The disputed domain name was registered on March 1, 2024, and is used for a website which promotes and purports to offer download of a modified APK version of WhatsApp called “JTWhatsApp”.

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 confusingly similar to the trademarks in which it has rights as it comprises an obvious misspelling of the Complainant’s WHATSAPP trademark (i.e., “whatspp” where the second letter “a” in the trademark is omitted), with the addition of the prefix “jt”, under the gTLD “.com”.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. The Respondent is thus not a licensee of the Complainant. The Respondent is not affiliated with the Complainant in any way, nor has the Complainant authorized the Respondent to make any use of its WHATSAPP trademark, in a domain name or otherwise. Additionally, the Complainant submits that the Respondent cannot be viewed as a bona fide service provider, as it does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is purporting to offer for download an unauthorized APK version of the Complainant’s WhatsApp application using the Complainant’s WHATSAPP trademark. Furthermore, the Respondent’s website prominently displays a logo that is very similar to the Complainant’s WhatsApp logo, which prior UDRP Panels have found contributes to a risk of affiliation with the Complainant and confusion and cannot constitute bona fide use. The Complainant further submits that the Respondent cannot legitimately claim to be commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. The Respondent’s name, “Soubick Das”, does not bear any resemblance to the disputed domain name and to the best of the Complainant’s knowledge, there is no evidence of the Respondent having obtained or applied for any trademark registration or similar right for “whatsapp”, “whatspp” or “jtwhatspp”, as reflected in the disputed domain name.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Complainant submits that given the Complainant’s renown and goodwill worldwide, the Respondent had actual knowledge of the Complainant and its rights at the time of registration of the disputed domain name, and the content of the Respondent’s website clearly demonstrates actual knowledge of the Complainant and its trademark, as it makes multiple references to the Complainant and purports to offer for

download an unauthorized version of the Complainant's application. The disputed domain name is used for a website which promotes and offers a download of an unauthorized, modified APK version of WhatsApp called "JTWhatsApp". The Complainant submits that it is more likely than not that the owner(s) of this third-party developed APK version of WhatsApp that is purportedly offered for download via the Respondent's website ultimately derive(s) commercial advantage from the Respondent's activities. Prior UDRP panels have held that commercial gain may include the respondent gaining or seeking reputational and/or bargaining advantage, even where such advantage may not be readily quantified. In this way, the Complainant submits that the Respondent has used the disputed domain name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website and the services offered therein, 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

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 since it contains an obvious misspelling of the Complainant's mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

Although the addition of other terms here, the acronym "jt", 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 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 it is obvious that the Respondent had full knowledge of the Complainant's services and of the related trademarks, and that the registration of the disputed domain name was done in bad faith, and that it is equally obvious that the use of the disputed domain name for a website that promotes and offers download of an unauthorized, modified APK version of WhatsApp called "JTWhatsApp", is bad faith use, cf. paragraph 4(b)(iv) of 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 <jtwhatspp.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: April 11, 2025