

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. pinoy tvshows

Case No. D2025-0789

1. The Parties

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

The Respondent is pinoy tvshows, Pakistan.

2. The Domain Names and Registrar

The disputed domain names <gbwhatsappdl.com> and <gbwhatsappdl.net> are 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 25, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 27, 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 (Redacted For Privacy, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 5, 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 March 10, 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 March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 7, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on April 15, 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 mobile messaging applications. Founded in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) in 2014, the application WHATSAPP allows users across the globe to exchange messages for free via smartphones, including iPhone and Android. Its main website, available at “www.whatsapp.com”, also allows Internet users to access its messaging platform.

Since its launch in 2009, WhatsApp has become one of the fastest growing and popular mobile applications in the world, with well over 2.6 billion monthly active users worldwide in January 2023. WhatsApp has acquired considerable reputation and goodwill worldwide, including in Pakistan. Consistently being ranked amongst Google Play and Apple iTunes 25 most popular free mobile applications and Tech Radar's Best Android Apps, WhatsApp is currently the 3rd most downloaded application worldwide and the 2nd in Pakistan, according to applications information company Data.ai.

The Complainant has secured ownership of trademark registrations for WHATSAPP in many jurisdictions throughout the world, including for instance Pakistani trademark No. 302143, registered on May 27, 2011, and International Registration No. 1085539, registered on May 24, 2011.

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

The disputed domain names were registered on April 13, 2023.

The disputed domain name <gbwhatsappdl.com> redirects to a website offering to obtain some sort of modification of WhatsApp application, and features Complainant's trademark and logo. The website contains a disclaimer stating: “We are not affiliated with WhatsApp or we never get any type of info from Official app. You can easily browse us in complete privacy and through security measurement. And also we never accept any type of Guest Post or any type of affiliation. You can use this without any risk or any other type of issue.”

The disputed domain name <gbwhatsappdl.net> does not resolve to any active website.

The Respondent was named as the respondent in the following domain name dispute proceeding, in which the panel ordered transfer of the domain name: *Instagram, LLC. v. pinoy tvshows*, WIPO Case No. [D2023-3723](#) (where the domain name <instagrampro.app> was used to promote a modified version of the Instagram application).

Following the failure to send a cease and desist letter to the Respondent through the email address provided on the website at the disputed domain name, on January 22, 2025, the Complainant sent the cease and desist notices to the Respondent via the Registrar's registrant contact forms. No response was received.

5. Parties' Contentions

A. Complainant

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's trademark. The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names. The disputed domain names incorporate the

Complainant's trademark in its entirety, preceded by the letters "gb" and followed by the letters "dl" (presumably standing for "download"), under the gTLDs ".com" and ".net". The presence of the Complainant's trademark in the disputed domain names is sufficient to establish confusing similarity between the disputed domain names and the Complainant's trademark. The addition of the letters "gb" and "dl" in the disputed domain names does not prevent a finding of confusing similarity with the Complainant's trademark, which remains recognizable in the disputed domain names. The gTLDs, in this case ".com" and ".net", may be disregarded for the purposes of assessment under the first element, as they are viewed as a standard registration requirement.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is 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 trademark, in a domain name or otherwise. The Complainant's relevant guidelines, prohibit the registration of domain names that comprise any WHATSAPP trademark. The Respondent is unable to be viewed as a bona fide service provider, as it is not providing sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is making unauthorized use of the Complainant's trademarks to promote a third party modified version of WHATSAPP. Nevertheless, even if one is to apply the Oki Data criteria, the Respondent at least fails to fulfil the first and third Oki Data criteria (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). The Respondent's website associated with the disputed domain name <gbwhatsappdl.com> prominently refers to the Complainant's trademark and features two modified versions of the Complainant's logo and figurative trademark, to promote the downloading of a third-party modified version of WhatsApp. The Respondent's use of the disputed domain name <gbwhatsappdl.com> to purport to offer an unauthorized version of the Complainant's WhatsApp application, developed by a third party, also violates the Complainant's terms of service. The Respondent's name, pinoy tvshows, does not bear any resemblance to the disputed domain names. There is no evidence of the Respondent having obtained or applied for any trademark registration or similar right for the terms "whatsapp", "gbwhatsapp" or "gbwhatsappdl", as reflected in the disputed domain names. The Respondent's use of the disputed domain names cannot support any reasonable claim of being commonly known by the disputed domain names, and cannot give rise to any reputation in the disputed domain names themselves, independent of the Complainant's trademark rights. The Respondent's use of the disputed domain name <gbwhatsappdl.com> to purport to offer for download an unauthorized modified version of the Complainant's application does not amount to legitimate noncommercial or fair use. It is likely that the Respondent receives commercial gain, at least in the form of reputational advantage, from the downloading of the unauthorized modified APK version of the WhatsApp application and its use of the disputed domain names to attract Internet users to its website to do so. The Respondent's non-use of the disputed domain name <gbwhatsappdl.net> in connection with an active web page does not constitute legitimate noncommercial or fair use of this disputed domain name.

Finally, the Complainant contends that the disputed domain names were registered and are being used in bad faith. Given the Complainant's renown and goodwill worldwide and its trademark rights in various jurisdictions the world, the Respondent could not credibly argue that it did not have knowledge of the Complainant's trademark when it registered the disputed domain names. The nature of the Respondent's website associated with the disputed domain name <gbwhatsappdl.com> clearly demonstrates actual knowledge of the Complainant and its trademark, as it makes prominent reference to the Complainant, its trademark and official application, and features modified versions of the Complainant's logo and figurative trademark. The Respondent registered the disputed domain name <gbwhatsappdl.com>, 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 unauthorized modified version of the Complainant's application, in bad faith. The Respondent has engaged in a pattern of trademark-abusive registration targeting the Complainant and its related companies, which amounts to further evidence of bad faith. The Respondent's disclosed postal address appears to be incomplete or false. Such provision of incomplete or false Whois contact details at the time of registration of the disputed domain names also indicates bad faith. The Respondent's use of a proxy service to register the disputed domain names further indicates the Respondent's bad faith and its intent to use the disputed domain names in a way which may be abusive or otherwise detrimental to the Complainant and its rights. Given the confusing similarity between the disputed domain name <gbwhatsappdl.com> and the Complainant's trademark, and the content of the Respondent's website (which

notably features two modified versions of the Complainant's distinctive logo and figurative trademark and a green colour scheme similar to that used by WhatsApp, Internet users are likely to be misled into believing that the Respondent's website is somehow affiliated with or otherwise endorsed by the Complainant, which is not the case. The disclaimer featured on the Respondent's website associated with the disputed domain name <gbwhatsappdl.com> is not sufficient to cure the Respondent's illegitimate use of the disputed domain name. The owner(s) of this third-party developed APK version of WhatsApp that is purportedly offered for download via the Respondent's website associated with the disputed domain name <gbwhatsappdl.com> ultimately derive commercial advantage from the Respondent's unauthorized use of the Complainant's trademark in the disputed domain name <gbwhatsappdl.com> and on the associated website. The Respondent is using the disputed domain name <gbwhatsappdl.com> to intentionally attempt to attract for commercial gain Internet users to online locations by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website, in bad faith. The promotion of unauthorized modified APK versions of the WhatsApp application not only violates the Complainant's terms of service, but also places the security of WhatsApp users at risk. The Respondent's non-use of the disputed domain name <gbwhatsappdl.net> in connection with an active website does not prevent a finding of bad faith. In light of the nature of the disputed domain name <gbwhatsappdl.net>, there is no apparent good faith use that the Respondent could make of this disputed domain name, and indeed it is very likely that the Respondent registered the disputed domain name <gbwhatsappdl.net> to engage in similar illegitimate activity to the activity for which the disputed domain name <gbwhatsappdl.com> is used. Finally, the Complainant submits that the Respondent's failure to respond to the notices sent by the Complainant's representatives via the Registrar's contact forms also indicates bad faith.

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 entirety of the mark WHATSAPP is reproduced within 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, "gb" and "dl", 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 applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLDs ".com" and ".net" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 available evidence does not confirm that the Respondent is commonly known by the disputed domain names, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent. The disputed domain names incorporate the WHATSAPP trademark of the Complainant in its entirety and its distinctive element. Since WHATSAPP is a well-known trademark, and one of disputed domain names is associated with the website offering a modified version of WhatsApp, the Panel finds that the Respondent must have been aware of the WHATSAPP trademark when it registered the disputed domain names, and that it chose to target the WHATSAPP trademark because of the likelihood that it will attract traffic to the Respondent’s websites. In the Panel’s view, such conduct cannot be regarded as giving rise to rights or legitimate interests on the part of the Respondent to register and use the disputed domain names (see, e.g., *LEGO Juris A/S v. Andrei Novakovich*, WIPO Case No. [D2016-1513](#)).

Particularly, the disputed domain name <gbwhatsappdl.com> redirects Internet users to a website featuring trademark and logo similar to the Complainant’s with an intention to make Internet users believe that they actually access the website authorized by or affiliated with the Complainant. Past UDRP panels confirmed that such actions prove a respondent has no rights or legitimate interests in a disputed domain name (see *Daniel C. Marino, Jr. v. Video Images Productions, et al.*, WIPO Case No. [D2000-0598](#), *Houghton Mifflin Co. v. Weatherman, Inc.*, WIPO Case No. [D2001-0211](#)).

The Panel also finds that the nature of the services provided on the website at the disputed domain name <gbwhatsappdl.com>, in particular, downloading unauthorized modification to the Complainant’s WhatsApp application cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use (see, e.g., *Andrey Ternovskiy dba Chatroulette v. Polina Butenina*, WIPO Case No. [D2018-1499](#)).

The Respondent has no right or legitimate interests in the disputed domain name <gbwhatsappdl.net> resolving to an inactive website under the circumstances of this case (see, e.g., *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#)).

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 Respondent registered the disputed domain names incorporating the Complainant's well-known trademark, and placed a website at the disputed domain name <gbwhatsappdl.com> featuring logo and trademarks similar to the Complainant's, and also offering a modified version of the Complainant's application. The Panel finds this proves the Respondent knew and specifically targeted the Complainant and its well-known trademarks when registering the disputed domain names, which is bad faith.

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. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and level of goodwill in its trademark both in the United States and internationally. Thus, the Panel finds that the disputed domain names confusingly similar to the Complainant's trademark were registered 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 particular, according to paragraph 4(b)(iv) of the Policy the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith: "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location." In this case, the disputed domain name <gbwhatsappdl.com> redirects to a website featuring trademark and logo similar to the Complainant's making a false impression of being endorsed by the Complainant to intentionally attract Internet users by creating likelihood of confusion with the Complainant's trademark as to the source of the website and its products. Although the website at this disputed domain name displays a disclaimer, the Panel notes such disclaimer does not appear on the home page of the website and requires Internet users to access it through the tab of "disclaimer". The Panel finds that considering the overall circumstances of this case, the mere existence of a disclaimer cannot cure the Respondent's bad faith. In light of the above, the Panel finds the above confirms the disputed domain name <gbwhatsappdl.com> was registered and is being used in bad faith.

The disputed domain name <gbwhatsappdl.net> does not resolve to an active website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of this disputed domain name incorporating the famous Complainant's trademark, and finds that in the circumstances of this case the passive holding of the disputed domain name <gbwhatsappdl.net> does not prevent a finding of bad faith under the Policy.

Moreover, the Respondent failed to respond to the Complainant's cease and desist letters, and did not provide any good reason to justify this, which confirms the bad faith (see, e.g., *Compagnie Generale des Etablissements Michelin v. Vaclav Novotny*, WIPO Case No. [D2009-1022](#)).

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 <gbwhatsappdl.com> and <gbwhatsappdl.net> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: April 29, 2025