

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC v. Palanisamy Balasubramanian  
Case No. D2025-0856

### **1. The Parties**

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

Respondent is Palanisamy Balasubramanian, India.

### **2. The Domain Name and Registrar**

The disputed domain name <hiwatsapp.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 28, 2025. On March 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to Complainant on March 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 13, 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 Respondent of the Complaint, and the proceedings commenced on March 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2025. Respondent sent informal email communications to the Center on March 13, 2025, and March 17, 2025, respectively.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on April 18, 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**

Complainant is a company organized under the laws of the United States, which operates the well-known “WhatsApp” messaging and voice over IP service and mobile application.

Complainant has evidenced to be the registered owner of numerous trademarks relating to its company name and brand WHATSAPP, inter alia, but not limited to, the following:

- word trademark WHATSAPP, United States Patent and Trademark Office (USPTO), registration number: 3939463, registration date: April 5, 2011, status: active;
- word trademark WHATSAPP, European Union Intellectual Property Office (EUIPO), registration number: 009986514, registration date: October 25, 2011, status: active;
- word trademark WHATSAPP, Intellectual Property India, registration number: 2149059, registration date: May 24, 2011, status: active.

Moreover, Complainant has demonstrated to own numerous domain names relating to its WHATSAPP trademark, inter alia, since 2008 the domain name <whatsapp.com>, which resolves to Complainant’s main website at “www.whatsapp.com”, used to promote and offer Complainant’s various services in the mobile application industry.

Respondent, according to the Registrar Verification for the disputed domain name, is located in India. The disputed domain name was registered on March 21, 2024. By the time of the rendering of this Decision, it resolves to a default page informing Internet users that there is a security risk in visiting the website under the disputed domain name. Complainant, however, has evidenced that, at some point before the filing of the Complaint, the disputed domain name resolved to a website at “www.hiwatsapp.com”, which purported to offer paid subscriptions to services to assist users of Complainant’s WhatsApp application, including software enabling users to “automate” the latter by providing additional features including a bulk messaging feature, thereby making prominent reference to Complainant’s WHATSAPP trademark.

On January 15, 2025, Complainant’s legal representatives sent a cease-and-desist letter to Respondent via email which remained unanswered.

Complainant requests that the disputed domain name be transferred to Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends to be a global leader in messaging services for mobile devices and one of the fastest growing and most popular mobile applications in the world, with well over 2.6 billion monthly active users worldwide in January 2023. Consequently, since its launch in 2009, the WHATSAPP trademark has acquired considerable reputation and goodwill worldwide.

Complainant submits that the disputed domain name is confusingly similar to Complainant’s WHATSAPP trademark, as it includes a misspelling thereof, whereby the letter “h” has been omitted, preceded by the term “hi”. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent is not a licensee of Complainant, is not affiliated with

Complainant in any way, and has not been authorized by Complainant to make any use of Complainant's WHATSAPP trademark, in a domain name or otherwise, (2) 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 Complainant, but rather is making unauthorized use of Complainant's WHATSAPP trademark in order to market its own ancillary services, (3) even if one was to apply the "Okidata" criteria for bona fide service providers, Respondent's website fails to accurately and prominently disclose its relationship with Complainant given that it features no clear disclaimer as to the lack of such relationship with Complainant, and (4) Respondent's name bears no resemblance to the disputed domain name whatsoever and Respondent is not making any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain, as Respondent's website is clearly intended to be of a commercial nature, as evidenced by the pricing plans offered to Internet users in the pricing section. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) 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, and acquiring considerable reputation and goodwill worldwide, (2) the nature of Respondent's website clearly demonstrates Respondent's actual knowledge of Complainant and its WHATSAPP trademark, as the website under the disputed domain name makes prominent reference to Complainant, its trademark and the official WhatsApp application, (3) Internet users are likely to be misled into believing that Respondent's website is affiliated with or somehow otherwise endorsed by Complainant, (4) the disputed domain name is being used to promote software enabling bulk messaging, and there is an appreciable risk that such software may be used to send unsolicited electronic communications (spam), for phishing, or for other unauthorized activities, and (5) there is no clearly-worded disclaimer on Respondent's website as to the lack of relationship with Complainant.

## **B. Respondent**

Respondent did not formally reply to Complainant's contentions but sent informal email communications to the Center on March 13, 2025, and March 17, 2025, respectively, stating that it would "change the domain name" and that it would "plan to delete this domain".

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, 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 Complainant has rights; and
- (ii) that 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.

Respondent's formal default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

### **A. Identical or Confusingly Similar**

First, 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 Complainant's WHATSAPP 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.

Complainant has shown rights in respect of its WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of such trademark is reproduced within the disputed domain name, simply in a misspelled version by omitting the letter "h", and added by the prefix "hi". Accordingly, the

disputed domain name is confusingly similar to Complainant's WHATSAPP trademark for the purposes of the Policy, as the latter is still recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. Moreover, although the addition of other terms (here, the prefix "hi") 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 Complainant's WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel, therefore, finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

In particular, Respondent has not been authorized to use Complainant's undisputedly well-known WHATSAPP trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "whatsapp" on its own. To the contrary, the disputed domain name resolved at some point in the past to a website at "www.hiwhatsapp.com", which purported to offer paid subscriptions to services to assist users of Complainant's WhatsApp application, including software enabling users to "automate" the latter by providing additional features including a bulk messaging feature, thereby making prominent reference to Complainant's WHATSAPP trademark; this website apparently did not contain any disclaimer informing Internet users of the non-existing (business) relationship between Respondent and Complainant, e.g., that the website is not operated by or affiliated with Complainant. Such making use of the disputed domain name, therefore, neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of the Policy.

The Panel, therefore, finds the second element of the Policy has been established, too.

## **C. Registered and Used in Bad Faith**

Third, 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.

The circumstances of this case leave no doubt that Respondent was fully aware of Complainant's rights in its undisputedly well-known WHATSAPP trademark when registering the disputed domain name and that the latter is clearly directed thereto. Moreover, using the disputed domain name, which is at least confusingly similar to Complainant's WHATSAPP trademark and obviously an intentional misspelling thereof, to run a

website at “www.hiwatsapp.com”, which purported at some point in the past to offer paid subscriptions to services to assist users of Complainant’s WhatsApp application, including software enabling users to “automate” the latter by providing additional features including a bulk messaging feature, thereby making prominent reference to Complainant’s WHATSAPP trademark, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant’s WHATSAPP trademark as to the source, sponsorship, affiliation or endorsement of Respondent’s website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain name since, according to the Registrar Verification, a complete postal address is missing. This fact at least throws a light on Respondent’s behavior which supports the Panel’s bad faith finding.

The Panel, therefore, finds that Complainant has established the third element of the Policy, too.

## **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, <hiwatsapp.com>, be transferred to Complainant.

*/Stephanie G. Hartung/*

**Stephanie G. Hartung**

Sole Panelist

Date: April 28, 2025