

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp, LLC v. Shoeb Alam, JOTTERS TECH PRIVATE LIMITED  
Case No. D2025-1092

### **1. The Parties**

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

The Respondent is Shoeb Alam, JOTTERS TECH PRIVATE LIMITED, India.

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

The disputed domain name <gbwhatsapp.net> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2025. On March 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 24, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 25, 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 amendment to the Complaint on March 26, 2025.

The Center verified that the Complaint together with the amendment to 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 March 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2025. The Respondent sent two email communications to the Center on March 28 and April 22, 2025. The Center informed the Parties that it would proceed to panel appointment on April 22, 2025.

The Center appointed Peter Kružliak as the sole panelist in this matter on April 29, 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 operates the WhatsApp messaging and voice-over-IP service and mobile application and with over two billion users in over 180 countries is a global leader in messaging services for mobile devices.

The Complainant has registered numerous WHATSAPP trademarks globally and is the owner of inter alia the following registrations:

- United States trademark registration WHATSAPP (word), number 3939463, application filed on April 1, 2009 and registered on April 5, 2011;
- European Union trademark registration WHATSAPP (word), number 009986514, application filed on May 23, 2011 and registered on October 25, 2011; and
- Indian trademark registration WHATSAPP (word), number 3111463, application filed on November 30, 2015 and registered on December 20, 2017.

(collectively the “WHATSAPP trademark”)

The Complainant has also registered on January 10, 2012 a figurative International trademark, number 1109890 protected in the following countries Australia, Egypt, Israel, Japan, Singapore, Republic of Korea and Switzerland, of the following representation:



The Complainant also registered domain names containing the WHATSAPP trademark, including <whatsapp.com> and <whatsapp.net>. As per the submitted evidence the Complainant has also significant presence at its social network profiles, with over thirty-four million Facebook “likes”, more than five million followers on X (formerly Twitter), and three million subscribers on YouTube.

The Respondent is from India. The disputed domain name was created on October 27, 2024, and based on the available record it originally resolved to a website offering an unauthorized version of the Complainant's mobile application and using directly the WHATSAPP trademark of the Complainant, as well as logos similar to the aforementioned Complainant's figurative trademark and logo. As of the day of the Decision, the disputed domain name resolves to an empty website.

The Respondent has already been involved in two previous panel decision, in which Respondent was found to have registered and used domain names of the Complainant and famous social media companies in bad faith (*WhatsApp LLC v. Jotters Tech, Jotters Tech Pvt Ltd*, WIPO Case No. [D2024-2571](#) and *TikTok Ltd. v. Shoeb Alam and Shaniyal Malik*, WIPO Case No. [D2023-2185](#)).

#### 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 registered trademark of the Complainant, since the disputed domain name is composed of the letters “GB” followed by a typo of Complainant's well-known WHATSAPP trademark, in which the letters 'a' and 'h' have been

switched round. Such common misspellings and typographical variations have according to the Complainant consistently been found to satisfy the confusingly similar prong of Policy and the addition of the letters “GB” do not prevent a finding of confusing similarity.

The Complainant further asserts that the Respondent has no rights nor legitimate interests in the disputed domain name. According to the Complainant, there is no evidence to suggest that Respondent is commonly known by the disputed domain name, to the best of Complainant’s knowledge, Respondent has not acquired, nor applied for a trademark registration for “GB WAHTSAPP”, or “GB WhatsApp Pro” or any variation thereof as reflected in the disputed domain name and the Respondent is not a licensee of Complainant, nor affiliated with Complainant in any way, nor has the Complainant has authorized 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. Respondent’s use of the disputed domain name to offer a modified version of Complainant’s WhatsApp mobile application does not suggest in any reasonable way that Respondent is commonly known by the disputed domain name, nor does it give rise to any reputation in the disputed domain name itself. The formulation of the disputed domain name, coupled with Respondent’s website content specifically targeting Complainant, entail a high risk of implied affiliation with Complainant and the Respondent clearly had Complainant’s famous trademark in mind when registering the disputed domain name in order to exploit and profit from Complainant’s trademark rights. The website content associated with the disputed domain name makes prolific use of Complainant’s trademarks as well as its figurative trademark, in order to offer modified mobile services Respondent calls “GB WhatsApp Pro”. All these elements are likely to confuse users into believing that the disputed domain name and Respondent’s “GB WhatsApp Pro” are operated, approved of, sponsored by, or affiliated with Complainant, which cannot constitute legitimate or noncommercial fair use under the Policy. According to the Complainant, while Respondent uses Complainant’s famous trademark in violation of the prohibitions expressly set out in Complainant’s Terms of Use, it is therefore impossible for Respondent to provide any bona fide services as understood within the test set out in *Oki Data*. Even if the *Oki Data* test could apply, Respondent is not providing bona fide services as understood within the *Oki Data* test under the first and third factors.

And finally, the Complainant submits that the unauthorized registration and use of the disputed domain name by the Respondent constitutes bad faith registration and use. Complainant’s WHATSAPP trademark is inherently distinctive and well-known and the term “whatsapp” is distinctive and is exclusively associated with Complainant, as confirmed in previous Panel decisions, and the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. In light of this and in view of Respondent’s content on the disputed domain name Respondent cannot credibly argue that they did not have prior knowledge of Complainant’s trademark at the time the disputed domain name was registered in October 2024. In choosing a domain name that so closely resembles Complainant’s WHATSAPP trademark to promote an unauthorized, derivative, competing service, Respondent is taking advantage of a complainant’s mark for commercial gain, which supports a finding of bad faith. Given the composition of the disputed domain name and noting the nature of the website, Internet users are likely to believe that Respondent’s website, along with the modified unauthorized “GB WhatsApp Pro” application promoted therein, are affiliated with or somehow endorsed by Complainant. In addition, 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. Such use places the security of WhatsApp users at risk and violates Complainant’s policies. Prior UDRP panels have held that such activities amount to use in bad faith. And finally, Respondent has engaged in a pattern of bad faith registration and use as evidenced by cases in which Respondent was found to have registered and used domain names in bad faith of the Complainant and famous social media platforms.

## **B. Respondent**

The Respondent did not reply substantively to the Complainant’s contentions but sent email communications to the Center on March 28, 2025, and April 22, 2025, indicating willingness to transfer the disputed domain name to the Complainant.

## **6. Discussion and Findings**

### **6.1 Procedural matter – Respondents’ consent**

Firstly, the Panel has to address the Respondents’ willingness to voluntarily transfer the disputed domain name without the need for further administrative proceedings. A panel may at its discretion order the transfer of the disputed domain name if the respondent has given its consent on the record to the transfer remedy sought by the complainant under the Policy, paragraph 4(a). WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.10.

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. In the present case, considering the Complainant has clearly expressed a preference for a recorded decision, the Panel will proceed to a decision on the merits, and analyze the three elements under paragraph 4(a) of the Policy.

### **6.2 Substantive considerations**

#### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The WHATSAPP trademark is recognizable within the disputed domain name, in which the letters 'a' and 'h' have been switched and a prefix consisting of letters “gb” has been added. The exchange of letter “a” for the letter “h” amounts to clear case of typo-squatting, and as an obvious and possibly even intentional misspelling does not affect the finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9.

Similarly, although the addition of the letters “gb” at the beginning term of the disputed domain name may bear on assessment of the second and third elements, the Panel finds the addition of these letters does not prevent a finding of confusing similarity between the disputed domain name and the WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

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.

Per the available record – not rebutted by the Respondent – the disputed domain name originally resolved to website offering an unauthorized version of the Complainant's mobile application and using the Complainant's trademark and also logos similar to the Complainant's figurative trademark. The Respondent's use is not a bona fide offering of goods or services, as the Respondent is using the Complainant's trademark in the disputed domain name and its website for the Respondent's own benefit to offer competing or related goods or services without any authorization from the Complainant to do so. As for the present use of the disputed domain name, the unavailability of the website under the disputed domain name on the day of Decision could neither be considered as bona fide offering.

Furthermore, the available record does not show any trademark registrations or earlier relevant rights of the Respondent corresponding to the disputed domain name, nor the fact that the Respondent is commonly known by the disputed domain name.

Finally, the Panel was not able to identify any reason why the use of the disputed domain name by the Respondent should be considered as legitimate noncommercial or fair use. The WHATSAPP trademark has reputation, respectively is well-known as repeatedly recognized by previous UDRP decisions (see for instance *WhatsApp LLC v. Naeem Ahmad*, WIPO Case No. [D2025-1006](#); *WhatsApp LLC v. Palanisamy Balasubramanian*, WIPO Case No. [D2025-0856](#); *WhatsApp LLC v. pinoy tvshows*, WIPO Case No. [D2025-0789](#); *WhatsApp LLC v. Red Whatsapp*, WIPO Case No. [D2025-0528](#)). Based on the composition of the disputed domain name, which comprises an obvious misspelling of the WHATSAPP trademark, where the letters "a" and "h" are exchanged, with the addition of the non-distinctive prefix "gb", the disputed domain name carries a risk of confusion, which prevents finding of any legitimate non-commercial or fair use on the part of the Respondent.

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 first notes that the WHATSAPP trademark is registered in many jurisdictions globally, enjoys significant reputation and is well-known, as recognized by numerous earlier UDRP panel decisions (see above). Furthermore, based on the original use of the disputed domain name, which offered unauthorized version of the Complainant's application and the direct use of the Complainant's trademark and logos similar to the Complainant's logo and figurative trademark, it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's WHATSAPP trademark, which supports a finding of bad faith registration.

The Panel reiterates that the disputed domain name originally resolved to website offering unauthorized version of the Complainant's application and directly using the Complainant's trademark and logos similar to the Complainant's logo and figurative trademark. In Panel's view the Respondent has therefore intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. [WIPO Overview 3.0](#), section 3.1.4.

Similarly in regard to the present use of the disputed domain, 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 (i) the

distinctiveness and (ii) the above described reputation of the Complainant's WHATSAPP trademark, (iii) its well-known character and (iv) the composition of the disputed domain name, as well as the failure of the Respondent to (v) file any material response or (vi) provide any evidence of actual or contemplated good-faith use and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

On a final note, the Panel points out that the Respondent was a party to previous UDRP cases involving abusive registrations (see (*WhatsApp LLC v. Jotters Tech, Jotters Tech Pvt Ltd*, WIPO Case No. [D2024-2571](#) and *TikTok Ltd. v. Shoeb Alam and Shaniyal Malik*, WIPO Case No. [D2023-2185](#)), including a case involving the Complainant of this proceeding and the same circumstances – the same Registrar and use of the disputed domain for website offering unauthorized version of the Complainant's application and using the Complainant's trademark, which based on the established practice of UDRP panels constitutes a pattern of bad faith conduct. [WIPO Overview 3.0](#), section 3.1.2.

The Panel therefore finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy and 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 <gbwahtsapp.net> be transferred to the Complainant.

*/Peter Kružliak /*

**Peter Kružliak**

Sole Panelist

Date: May 13, 2025