

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. pinoy tvshows
Case No. D2025-1115

1. The Parties

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

The Respondent is pinoy tvshows, Pakistan.

2. The Domain Names and Registrar

The disputed domain names <gbwhatsappk.me> and <plusgbwhatsapp.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 March 18, 2025. On March 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 20, 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 21, 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 26, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 22, 2025.

The Center appointed Assen Alexiev as the sole panelist in this matter on April 30, 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 global leader in messaging services for mobile devices. It was founded in 2009 and in 2014, it was acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.). The Complainant provides the mobile application WhatsApp, which allows users across the globe to exchange messages for free via smartphones. Since its launch in 2009, WhatsApp has become one of the fastest growing and most popular mobile applications in the world, with over 2.6 billion monthly active users worldwide in January 2023, and is consistently being ranked amongst the most popular free mobile applications. WhatsApp is currently the third most downloaded application worldwide and the second in Pakistan, according to applications information company Data.ai. The Complainant's main website, available at the domain name <whatsapp.com>, registered on September 4, 2008, also allows Internet users to access its messaging platform.

The Complainant is the owner of the following trademark registrations for WHATSAPP (the "WHATSAPP trademark"):

- the United States trademark WHATSAPP with registration No. 3939463, registered on April 5, 2011, for services in International Class 42;
- the International trademark WHATSAPP with registration No. 1085539, registered on May 24, 2011, for goods and services in International Classes 9 and 38;
- the European Union trademark WHATSAPP with registration No. 009986514, registered on October 25, 2011, for goods and services in International Classes 9, 38, and 42; and
- the Pakistan trademark WHATSAPP with registration No. 302143, registered on May 27, 2011, for services in International Class 38.

The disputed domain name <gbwhatsappapk.me> was registered on March 17, 2023, and the disputed domain name <plusgbwhatsapp.net> was registered on July 24, 2023. They both redirect to the website at "www.gbappss.net.pk" titled "GB Apps / GB WhatsApp Download APK (Login Fixed) version for Android 2025", which refers to the Complainant's WHATSAPP trademark and promotes and offers for download a modified APK¹ version of the WhatsApp application branded as "GBWhatsApp", which is described as providing functionalities that go beyond those offered in the official WhatsApp application. The Respondent's website also provides links allowing Internet users to download a modified Instagram application with extra features branded as "Insta Pro" and an application for an online streaming platform branded "Pikashow". The website also contains a disclaimer stating: "Users should be aware that GBWhatsApp is not affiliated with WhatsApp Inc. and is a third-party application. Use of GBApps may not be in compliance with WhatsApp Inc.'s terms of service and could lead to the suspension or banning of your WhatsApp account."

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 names.

¹ An APK (Android Package Kit) file is the file format for applications used on the Android operating system.

The Complainant submits that the disputed domain names are confusingly similar to its WHATSAPP trademark. The disputed domain name <plusgbwhatsapp.net> incorporates the WHATSAPP trademark in its entirety, preceded by the dictionary term “plus” and the letters “gb”, while the disputed domain name <gbwhatsappapk.me> incorporates the same trademark preceded by the letters “gb” and followed by the letters “apk”. According to the Complainant, the addition of these elements to the WHATSAPP trademark does not prevent a finding of confusing similarity with it, because it remains recognizable in them.

The Complainant maintains that the Respondent has no rights or legitimate interests in respect of the disputed domain names, because the Complainant has not authorized the Respondent to use the WHATSAPP trademark, there is no relationship between the Parties, and the Respondent is not commonly known by the disputed domain names and has not obtained any relevant trademark rights. The Complainant adds that the Respondent’s registration of the disputed domain names violates the WhatsApp Brand Assets and Guidelines.

The Complainant submits that the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services and is not making any legitimate noncommercial or fair use of them, as they are being used to offer for download an unauthorized modified APK version of the Complainant’s WhatsApp application. This represents a breach of the Complainant’s Terms of Service, which prohibit its modification, alteration, reverse engineering, and the creation of derivative works from it. The Complainant notes in this regard that it is committed to maintaining the integrity of the WhatsApp service and does not support such third-party applications.

The Complainant further submits that the Respondent cannot be regarded as a bona fide service provider, as it does not provide sales or repairs in relation to a product provided by the Complainant. The Complainant adds that even if the Oki Data criteria are applied, the Respondent does not fulfil three of them, because it offers for download a third-party unauthorized APK version of the Complainant’s official WhatsApp application and not the original product of the Complainant, because it also offers for download third-party applications, and because the Respondent’s website fails to accurately and prominently disclose its relationship with the Complainant, since the disclaimer for the absence of affiliation with the Complainant is not prominently displayed on its website, but hidden in the navigation bar.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. It maintains that its 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 launch of its services, and having acquired considerable reputation and goodwill worldwide. The Complainant notes that the websites at the disputed domain names demonstrate the Respondent’s actual knowledge of the Complainant and its trademark, as they make prominent reference to the Complainant, its WHATSAPP trademark and application and feature modified versions of the Complainant’s logo and figurative trademark. According to the Complainant, the Respondent has registered and used the disputed domain names with the intent to attract Internet users to the websites at the disputed domain names by misleading them that the same are affiliated with or endorsed by the Complainant, with the aim to promote an unauthorized modified version of the Complainant’s application. The Complainant points out that this activity of the Respondent violates the WhatsApp Terms of Service and places the security of WhatsApp users at risk and disrupts the Complainant’s business. The Complainant further submits that the disclaimer featured on the Respondent’s website is not sufficient to cure its illegitimate use of the disputed domain names.

The Complainant notes that the Respondent has been found to have acted in bad faith in *Instagram, LLC. v. pinoy tvshows*, WIPO Case No. [D2023-3723](#), and *Instagram, LLC v. Muhammad Tahir, Muhammad ASIF, pinoy tvshows*, WIPO Case No. [D2024-4981](#), both of which involved the promotion of unauthorized modified versions of the Instagram application provided by an affiliate of the Complainant. According to the Complainant, this shows that the Respondent has engaged in a pattern of abusive domain name registrations targeting the Complainant and its related companies.

The Complainant adds that on March 5, 2025, its representatives sent two cease-and-desist notices to the Respondent, but received no response.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Procedural issue - Consolidation

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. Here, the two disputed domain names are registered by the same registrant. As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the two disputed domain names in a single proceeding.

6.2. Substantive issues

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 the WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the WHATSAPP trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "apk", "gb" and "plus") 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 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

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 disputed domain names are confusingly similar to the Complainant's WHATSAPP trademark, and the evidence in the case shows that they have redirected to a website that features the same trademark and offers for download a modified APK version of the Complainant's WhatsApp application that has not been authorized and supported by the latter, as well as a third-party application. This supports a finding that the Respondent, being aware of the popularity of the Complainant's WhatsApp service and of its WHATSAPP trademark, has more likely than not registered and used the disputed domain names in an attempt to attract Internet users to its website and to gain some kind of reputational or commercial advantage.

As to the "Oki Data test" ([WIPO Overview 3.0](#), section 2.8), the Panel considers that the Respondent has failed to comply with the first two requirements of this test, because it does not offer for download the official product of the Complainant, but a third-party modified version of it that is not supported by the Complainant, and is offering third-party products as well.

The Panel notes that the website to which the disputed domain names redirect contains a disclaimer but finds that its presence does not render the Respondent's activities bona fide under the Policy. When Internet users have a chance to read the disclaimer, they have already been attracted to the Respondent's website, under the impression that the disputed domain names and the website are associated with the Complainant and would have been exposed to its content.

In addition, taking into account the extensive use of the Complainant's trademarks, logos and color scheme on the disputed domain names websites, the Panel finds the Respondent's hidden disclaimer to be insufficient in preventing the confusion.

Considering all the above, the Panel does not regard the Respondent's conduct as a legitimate activity that may give rise to rights or legitimate interests in the disputed domain names under the Policy.

The Panel therefore 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.

The disputed domain names are confusingly similar to the WHATSAPP trademark, and the Respondent has used them for a website that offers for download an unofficial and unauthorized APK version of the Complainant's WhatsApp application. This application appears to be facilitating the breach of the Complainant's Terms of Service and the Respondent itself admits that it may put the security of its users at risk. The Panel also notes that Respondent's website has also offered visitors the possibility to download a third-party application, which makes it likely that the Respondent has also attempted to obtain some commercial advantage. As discussed in the section on rights and legitimate interests above, the presence of a disclaimer on the Respondent's website does not render its activities bona fide under the Policy.

Taking the above into account, the Panel accepts that the Respondent has registered and used the disputed domain names with knowledge of the Complainant and targeting the WHATSAPP trademark in an attempt to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the WHATSAPP trademark as to the affiliation or endorsement of its website and of the applications offered for download on it. The fact that the Respondent has already been found twice to have acted in bad faith under the Policy in similar circumstances in previous UDRP proceedings reinforces this conclusion.

The Panel therefore 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 <gbwhatsappapk.me> and <plusgbwhatsapp.net> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: May 9, 2025