

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Ravi Kumar
Case No. D2025-1157

1. The Parties

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

The Respondent is Ravi Kumar, India.

2. The Domain Name and Registrar

The disputed domain name <bluewhatsplus.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 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 March 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2025.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on April 25, 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 world's most popular mobile messaging applications. Founded in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) in 2014, WhatsApp allows users across the globe to exchange messages for free via smartphones, including iPhone and Android.

The Complainant owns in particular the following trademark registrations:

- European Union trademark registration for WHATS no. 017923676, registered on March 8, 2019 in classes 9, 38 and 42;
- United States trademark registration for WHATSAPP no. 3939463, registered on April 5, 2011 in class 42.

The disputed domain name was registered on March 27, 2024.

At the time of filing of the Complaint, the disputed domain name redirected users to a website titled "BlueWhatsApp" offering for download unauthorized modified versions of the WhatsApp app. The website features the following wording "*Blue WhatsApp plus APK is the advances version of WhatsApp, which we download from the play store. This improved version of WhatsApp puts you in the vanguard regarding communication and chatting*". Moreover, such website also features a link to a website that purports to offer for download a modified version of the third-party platform, TikTok.

The Respondent's website includes a section called disclaimer which states that it is "an unofficial website of WhatsApp App. This Website Created only for Education Purpose. We do not own or develop the WhatsApp Mods shared in this website. All Rights Goes To The WhatsApp LLC. We are not associated with the WhatsApp Corporation in any means. WhatsApp is a registered trademark of WhatsApp LLC. & www.whatsapp.com".

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 its WHATS and WHATSAPP registered trademarks as it captures the entirety of its trademark WHATS and the dominant element of its trademark WHATSAPP, with the mere adjunction of the terms "blue" and "plus".

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a licensee of the Complainant or affiliated with the Complainant in any way and the Complainant has not authorized the Respondent to include its mark in the disputed domain name. Nor has the Complainant any knowledge that the Respondent is commonly known by the disputed domain name. According to the Complainant, 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 purports to offer for download an unauthorized version of the Complainant's application using the Complainant's trademarks. The Complainant further claims that the Respondent fails to meet the requirements set forth in *Oki Data test (Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. [D2001-0903](#))* and has no rights or legitimate interests in the disputed domain name.

Finally, the Complainant contends that the Respondent has used and registered the disputed domain name in bad faith. Considering the fact that the disputed domain name resolves to a website offering for download a modified version of the Complainant's application, the Respondent was aware of the existence of the Complainant and of its trademark when it registered the disputed domain name. The Complainant further

contends that the confusing similarity between the disputed domain name and the Complainant's trademark, together with the content of the Respondent's website, which features prominent references to the Complainant and multiple variations of its WhatsApp logo, makes it likely that Internet users will be misled into believing that the Respondent's website is affiliated with or endorsed by the Complainant, which it is not. Finally, according to the Complainant, 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 Respondent's website and the services offered, in bad faith

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name registered by the respondent has been registered and is being used in bad faith.

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 WHATS is reproduced within the disputed domain name. Accordingly, the disputed domain name is 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, "blue" 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 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.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website offering for download unauthorized modified versions of the WhatsApp app while taking an unfair advantage of the similarity of the disputed domain name with the Complainant's trademark.

According to a common view among UDRP panels, resellers or distributors using a domain name containing a complainant's trademark to undertake sales related to the complainant's goods may be making a bona fide offering of goods and thus have a legitimate interest in such domain name. [WIPO Overview 3.0](#), section 2.8.1. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the "Oki Data Test"), the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods at issue;
- (ii) the respondent must use the site to sell only the trademarked goods;
- (iii) the site must accurately and prominently disclose the registrant's relationship with trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names reflecting trademark.

The Panel notes that the Respondent's use of the disputed domain name does not fall within the category of a reseller or distributor typically addressed under the Oki Data Test. However, for the sake of completeness the Panel will address the Respondent's use under the Oki Data Test. The Panel finds that the Respondent fails to satisfy at least the first and second requirements of the Oki Data Test as the Respondent does not offer the Complainant's products but unauthorized versions of its application, the Respondent's website also features a link to a website that purports to offer for download a modified version of the third-party platform, TikTok. Regarding the third requirement, while the website at the disputed domain name includes a section containing a disclaimer, the Respondent does not disclose in a sufficiently prominent manner its lack of an actual relationship with the Complainant as such information is only available for the Internet users that click on the "disclaimer" section.

The Panel finds accordingly that the requirements of the "Oki Data test" are not satisfied in the present case.

Furthermore, the evidence provided by the Complainant shows that the disputed domain name was linked to a website, which content included various references to the Complainant's trademark WHATSAPP as well as a modified version of its telephone logo. The Panel considers that this use of the disputed domain name, which may create confusion with the Complainant, is not legitimate.

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 the Respondent used on its website the Complainant's logo and trademark WHATSAPP, which have been widely used before the registration of the disputed domain name. The Panel accepts therefore that the Respondent was aware of the Complainant's trademarks at the time of registering the disputed domain name. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

Under paragraph 4(b)(iv) of the Policy, the use of a disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to a 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 a website or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith.

The Respondent used the disputed domain name to redirect users to a website offering for download unauthorized modified versions of the Complainant's application. Such use, despite the disclaimer section, was apt to create the false impression that the Respondent's website was operated or endorsed by the Complainant, and in any case relies on references to the Complainant's trademark. Consequently, by using the disputed domain name in such manner, the Respondent intentionally attempted to attract, for the purposes of commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source and affiliation of its website. Such behavior constitutes use in bad faith under 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 <bluewhatsplus.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: May 12, 2025