

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Kami Khan
Case No. D2025-1205

1. The Parties

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

The Respondent is Kami Khan, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <gbwhatsapppro-in.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 24, 2025. On March 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 26, 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 31, 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 April 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 26, 2025.


The Center appointed Thomas M. Legler as the sole panelist in this matter on May 2, 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, WhatsApp LLC, is a U.S.-based limited liability company operating in the field of mobile telecommunications. It provides a messaging application that allows users worldwide to send text messages, voice messages, make voice and video calls, and share images, documents, and user locations. The Complainant was founded in 2009 and has been a subsidiary of Meta Platforms, Inc. (formerly Facebook, Inc.) since 2014. As of December 2024, WhatsApp counted more than 2.9 billion monthly active users, making it one of the most popular messaging services globally. The application is available for iOS and Android and can also be accessed via web browsers. The Complainant operates its official website at “www.whatsapp.com” and maintains a strong presence on social media platforms including Facebook, X (formerly Twitter), YouTube, and LinkedIn.

The Complaint is based on rights in the WHATSAPP trademark, used in connection with mobile messaging and telecommunications services. The Complainant owns numerous registrations for this mark worldwide, including but not limited to the following:

1. United States
 - Trademark: WHATSAPP
 - Registration No.: 3939463
 - Registration Date: April 5, 2011
 - Registered for: downloadable computer software for mobile devices, namely, software for the transmission of messages among users.
2. European Union
 - Trademark: WHATSAPP
 - Registration No.: 009986514
 - Registration Date: October 25, 2011
 - Registered for: telecommunications; providing user access to the Internet (and related goods and services).
3. Pakistan
 - Trademark: WHATSAPP
 - Registration No.: 302143
 - Registration Date: May 27, 2011

In addition, the Complainant owns a figurative trademark corresponding to its telephone logo , registered under International Registration No. 1109890, dated January 10, 2012.

All of the above trademarks were registered prior to the registration of the disputed domain name (November 13, 2023), and there are no disclaimers noted in the registrations. The marks are owned directly by the Complainant.

The Complainant owns multiple domain names incorporating the WHATSAPP mark under both generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”).

The present Decision is based on the unrebutted exhibits produced by the Complainant and showing that the disputed domain name previously resolved to a website offering downloads of an unauthorized modified APK version of the WhatsApp application, referred to as “GB WhatsApp Pro APK”. The site used the phrase “Download GB WhatsApp Pro APK” and promoted features such as auto-reply, DND mode, anti-delete message, and theme customization, which are prima facie not part of the official WhatsApp app. The website mimicked the Complainant’s official branding, including a similar green and white color scheme,

a logo resembling WhatsApp's official logo, and a favicon that closely matches the Complainant's registered figurative trademark. As of December 2, 2024, the site also featured commercial advertisements in the form of banners and full-page pop-ups. No disclaimer is provided on the home page of the site to clarify the lack of affiliation with the Complainant.

The identity of the Respondent has been indicated as being Kami Khan, domiciled in Pakistan.

The Complainant became aware of the disputed domain name and associated website in 2024. On December 2, 2024, the Complainant's legal representatives contacted the Respondent via the Registrar's contact form regarding the trademark infringement of the disputed domain name. No response was received from the Respondent.

5. Parties' Contentions

A. Complainant

In addition to its registered rights, the Complainant indicates having built substantial goodwill and recognition in the WHATSAPP mark through extensive, continuous use since 2009. The app has consistently ranked among the top downloaded free applications on both Apple's App Store and Google Play, and the brand is widely covered in international press, further cementing its source-identifying capacity.

Furthermore, the Complainant contends that it has satisfied each of the three elements required under the paragraph 4(a) of the Policy for a transfer of the disputed domain name:

The Complainant holds registered trademark rights in WHATSAPP in numerous jurisdictions, including the United States, the European Union, and Pakistan where the Respondent seems to be domiciled. The Complainant submits that the disputed domain name incorporates its WHATSAPP trademark in its entirety, with the addition of the terms "gb", "pro", and "in", which does not prevent a finding of confusing similarity. Citing WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), sections 1.7 and 1.8. The Complainant argues that the WHATSAPP mark remains clearly recognizable in the disputed domain name, which is sufficient for establishing confusing similarity under paragraph 4(a)(i) of the Policy.

The Complainant asserts that the Respondent is neither affiliated with nor authorized by the Complainant and is not commonly known by the disputed domain name. The Respondent uses the disputed domain name to host a website offering an unauthorized modified APK version of WhatsApp, which violates WhatsApp's Brand Guidelines and Terms of Service.

The Complainant submits that this use fails to meet the *Oki Data* criteria for bona fide use (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). Specifically, the website does not offer genuine goods or services authorized by the Complainant, nor does it include a disclaimer clarifying the absence of a relationship with the Complainant. The use of WHATSAPP trademark and a look-alike logo on the website misleads users and creates a false association. Additionally, the presence of commercial advertisements implies the Respondent seeks to derive commercial gain. In the absence of any rebuttal evidence, the Complainant argues that it has established a prima facie case that shifts the burden of proof to the Respondent.

The Complainant argues that its WHATSAPP trademark is globally well known and that the Respondent must have been aware of it when registering the disputed domain name in November 2023. The Respondent's website displays the Complainant's look-like logo, uses WhatsApp's color scheme, and promotes an unauthorized version of the WhatsApp application, which may endanger users by exposing them to potential security risks or malware.

The Complainant further notes that the Respondent failed to respond to a cease-and-desist request and used a privacy service to register the disputed domain name, both of which support an inference of bad faith.

The Complainant invokes paragraph 4(b)(iv) of the Policy, asserting that the Respondent intentionally attempted to attract users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, or affiliation of the website.

Accordingly, the Complainant submits that the disputed domain name was both registered and is being used in bad faith, and requests that it be transferred to the Complainant under paragraph 4(i) of the Policy.

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 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 Panel finds the mark is recognizable 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, with the addition of the terms "gb", "pro", and "in" - 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 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 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.

There is no known relationship between the Complainant and the Respondent. The Respondent is not licensed or authorized to use the WHATSAPP mark and has made no claims of legitimate interest in or fair use of the disputed domain name.

The Panel finds that the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. Specifically:

Bona Fide Offering (Policy, paragraph 4(c)(i))

The Complainant has submitted credible evidence that the disputed domain name previously resolved to a website offering an unauthorized modified APK version of the WhatsApp messaging application (Annex 10). The use of a domain name incorporating the Complainant's WHATSAPP mark, in connection with a third-party application that is neither approved nor endorsed by the Complainant, does not constitute a bona fide offering of goods or services under the Policy.

Moreover, the website mimicked the Complainant's branding, including the use of a similar color scheme and logo, and failed to disclose the lack of affiliation with the Complainant (Annex 10). This imitation creates a misleading impression of association and does not meet the threshold for fair commercial use under the Oki Data test (see *Oki Data Americas, Inc. v. ASD, Inc.*, *supra*; [WIPO Overview 3.0](#), section 2.8).

Commonly Known by the Domain Name (Policy, paragraph 4(c)(ii))

There is no evidence before the Panel that the Respondent has been commonly known by the disputed domain name. The use of a privacy protection service at the time of registration, the lack of contact information on the associated website, and the eventual disclosure of the registrant's identity as "Kami Khan" - a name with no apparent connection to "WhatsApp" or the disputed domain name - further support the absence of any legitimate claim of being commonly known by the disputed domain name.

Legitimate Noncommercial or Fair Use (Policy, paragraph 4(c)(iii))

The Respondent's use of the disputed domain name is not noncommercial. As evidenced by the Complainant, the website displayed commercial advertising banners and pop-up ads, from which the Respondent likely derived revenue (Annex 11). The misleading use of the Complainant's mark to attract traffic for commercial purposes does not constitute noncommercial legitimate fair use under the Policy (see [WIPO Overview 3.0](#), section 2.5.3).

Accordingly, the Panel finds that the Respondent has not rebutted the Complainant's prima facie case, and that none of the circumstances outlined in paragraph 4(c) of the Policy apply. The Respondent has no rights or legitimate interests in respect of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity – here: impersonation of the Complainant by using a look-like logo of the Complainant and color scheme of the Complainant's website, and offering an unauthorized modified APK version of WhatsApp – can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the Complainant has established the second element of the Policy.

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 Complainant's WHATSAPP trademark is inherently distinctive and globally well known, having been in use since 2009 and associated with a widely used messaging application (Annex 6). At the time of registration of the disputed domain name in November 2023, the

Complainant's mark had already achieved considerable international recognition, as evidenced by its global user base, media coverage, and long-standing trademark registrations in numerous jurisdictions (Annexes, 6, 7, and 9).

Given the fame of the Complainant's mark and the fact that the disputed domain name incorporates the mark in its entirety, the Panel finds that the Respondent must have been aware of the Complainant's rights in the WHATSAPP trademark at the time of registration. The deliberate selection of the disputed domain name which includes "whatsapp" along with the descriptive elements "gb" and "pro", both terms that may be associated with unauthorized modified version of WhatsApp offered on the website at the disputed domain name, supports an inference of bad faith targeting.

Furthermore, the Panel finds that the Respondent has used the disputed domain name to intentionally attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's WHATSAPP trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This conduct falls squarely within the scope of paragraph 4(b)(iv) of the Policy.

Indeed, the Respondent's website promoted the download of an unauthorized modified APK version of the WhatsApp application and mimicked the Complainant's branding, including use of a similar green-and-white color scheme, a look-alike logo, and favicon (Annex 10). It contained no disclaimer indicating that it was unaffiliated with the Complainant. The website previously featured advertising banners and full-page pop-up advertisements, from which it may reasonably be inferred that the Respondent derived click-through revenue or other forms of commercial benefit (Annex 11).

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 this regard, the Respondent registered the disputed domain name using a privacy protection service and failed to respond to a trademark infringement notice sent via the Registrar's contact form (Annex 14). These factors further support the conclusion of the Respondent's bad faith (see [WIPO Overview 3.0](#), section 3.6).

Panels have held that the use of a domain name for illegitimate activity – here: impersonation of the Complainant by using a look-like logo of the Complainant and color scheme of the Complainant's website, and offering an unauthorized modified APK version of WhatsApp – constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <gbwhatsapppro-in.com> be transferred to the Complainant.

/Thomas M. Legler/

Thomas M. Legler

Sole Panelist

Date: May 16, 2025