

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Amanda Wang
Case No. D2025-1340

1. The Parties

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

The Respondent is Amanda Wang, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names <gbwhatsappk.chat>, <gbwhatsappk.net>, <gbwhatsappk.org>, <gbwhatsapps.chat>, <whatsappapk.download>, and <whatsapppro.org> are registered with Dynadot, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 2, 2025. On April 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 5, 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/Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 7, 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 April 9, 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any formal response. The Respondent sent the email communications to the Center on April 15, 2025, and April 16, 2025. On April 15,

2025, the Center sent an email regarding possible settlement to the Parties. On April 16, 2025, the Complainant informed the Center that it does not wish to suspend the proceeding. Accordingly, the Center notified the commencement of panel appointment process on May 15, 2025.

The Center appointed Theda König Horowicz as the sole panelist in this matter on May 22, 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 was founded in 2009 and is a provider of one of the world's most popular mobile messaging applications, WhatsApp. In 2014, Meta Platforms, Inc. (formerly known as Facebook, Inc.) acquired the Complainant. The WhatsApp application allows users across the globe to exchange messages "for free" via smartphones, including iPhone and Android. The Complainant has a strong online presence and is active on various social-media platforms.

The Complainant has a large portfolio of registrations for the WHATSAPP trademark, including (inter alia) the following:

- United States trademark registration number 3939463 for WHATSAPP (word mark) registered on April 5, 2011 in class 42.
- International trademark registration number 1085539 for WHATSAPP (word mark) registered on May 24, 2011 in classes 9 and 38.
- European Union trademark registration number 017923676 for WHATS (word mark), registered on March 8, 2019.

In addition, the Complainant also holds figurative trademark registrations for its telephone logo including International trademark registration number 1109890 registered on January 10, 2012 in classes 9 and 38.

The Complainant owns numerous domain names comprising the WHATSAPP trademark.

The disputed domain names were registered on May 13, 2024. The disputed domain names are resolving or redirecting to several websites, redirections which are often changing, but which all have in common that they are:

- offering for download modified and unauthorized versions of the WhatsApp app;
- reproducing the Complainant's logo and figurative trademark as well as the title "GB WhatsApp";
- featuring the wording "© All rights reserved by GBWhatsApp".

At the time of the filing of the Complaint, <whatsapppro.org> was inactive.

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.

Notably, the Complainant contends that it has trademark rights in WHATSAPP and WHATS in several jurisdictions. The disputed domain names contain all either WHATSAPP or WHATS. The addition in some disputed domain names of "gb", "s", "pro" and "apk" does not prevent confusing similarity with the Complainant's trademarks which remain clearly recognizable. The misspelling in some of the disputed

domain names is not relevant either since these misspellings are insufficient to distinguish the disputed domain names from the Complainant's trademarks.

The Complainant further states that the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services, notably as she violates with some disputed domain names the WhatsApp Brand Assets and Guidelines. Furthermore, the Respondent offers for download unauthorized versions of the Complainant WhatsApp application using the Complainant's trademarks and does not fulfil some of the criteria set out in the *Okidata* case *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The Respondent's websites also feature the Complainant's logo's in order to promote its modified and unauthorized version of the Complainant's WhatsApp application thus violating the WhatsApp Terms of Service. The current non-use of the disputed domain name <whatsapppro.org> does not qualify as bona fide offering of goods or services. The Complainant notes that the Respondent is not commonly known by the disputed domain names and does not make a legitimate noncommercial or fair use for the reasons developed before. Consequently, the Respondent has no rights or legitimate interests in the disputed domain names.

Finally, the Complainant invokes that its trademarks WHATSAPP and WHATS are well-known worldwide in connection with its messaging application. Given such renown, the Respondent cannot credibly argue that it did not have knowledge of the said marks. The Respondent also used a proxy service to hide its identity when registering the disputed domain names which constitutes evidence of bad faith along with the registration of six disputed domain names of a very similar nature showing its intent to target the Complainant. By resolving or redirecting the disputed domain names to websites on which it is possible to download non authorized and modified versions of the Complainant's well-known application, the Respondent has intentionally attempted to attract Internet users by creating a likelihood of confusion with the Complainant's trademark and brand. The use of Complainant's trademarks and logos are additional factors of bad faith use along with the absence of disclaimer on the websites.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions, but stated in a first email to the Center on April 15, 2025 that she thought the designations "whats" and "app" to be generic terms without specific brand association, and that the disputed domain names were never activated or used. The litigious images were taken from third party websites (not the Complainant's website) and were removed. Later, on April 16, 2025, the Respondent informed the Complainant and the Center that she surrenders the disputed domain names and will not proceed with their renewal.

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

The disputed domain names <gbwhatsapp.chat>, <gbwhatsapp.net>, <gbwhatsapp.org>, <gbwhatsapps.chat>, <whatsappapk.download>, and <whatsapppro.org> do all contain either WHATSAPP or WHATS trademark.

The Panel finds the said marks are clearly recognizable within the disputed domain names. Indeed, the misspellings in the disputed domain names <gbwhatsapp.chat>, <gbwhatsapp.net>, <gbwhatsapp.org> and

the addition of the letters “gb”, “s”, “apk” or “pro” do not prevent a finding of confusing similarity. Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy.

[WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.9.

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 names.

In particular, the case file shows that the Respondent systematically resolved or redirected the disputed domain names to several websites which are often changing, but which have as a common point the fact they include every time clear references to the Complainant’s well-known WHATSAPP trademark and logo. Additionally, these websites are promoting the same type of messaging services than the Complainant. The websites do also include a footnote pretending to have copyrights over “Whatsapp” whereby it is of common knowledge that WHATSAPP belongs to the Complainant. Furthermore, the websites promote an app strongly inspired by the WHATSAPP application respectively offer a modified version of it without authorization from the Complainant. This pattern developed by the Respondent in order to promote its own goods and services is not a legitimate and noncommercial use under the Policy.

The few arguments developed by the Respondent regarding the alleged generic character of the names WHATS or APP are clearly not sufficient to demonstrate rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise, notably considering the content of the websites and the well-known character of the WHATSAPP trademark. This also applies to the disputed domain name <whatsapppro.org> which is not used, but which contains the Complainant’s WHATSAPP trademark without any plausible explanation of any kind.

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.

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 the present case, the Panel underlines the well-known character of the trademarks WHATSAPP and WHATS in connection with messaging applications as already expressed by other panels. Considering this

notoriety, the Respondent could not have ignored these trademarks when registering the disputed domain names. The prior knowledge of the Complainant's trademarks by the Respondent is further shown by the fact that these marks are used in the websites to which the disputed domain names resolved or redirected. These websites do also contain the Complainant's telephone logo in the same or a very similar green or blue color, in order to promote the same type of goods and services for which the Complainant acquired a worldwide notoriety. The Panel thus concludes that the disputed domain names were registered in bad faith.

Bad faith use is also established for the same reasons as those developed under Section 6.B. above. These reasons demonstrate that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's websites.

The argument made by the Respondent that the disputed domain names were never used is in contradiction with the facts contained in the case file.

With regard to the disputed domain name <whatsapppro.org> which is inactive, 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 the reputation of the Complainant's trademark. Furthermore, the Respondent chose to register on the same day six disputed domain names, including <whatsapppro.org>, having the same nature and which are all imitating the Complainant's trademarks. The Panel thus finds that in the circumstances of this case the passive holding of the disputed domain name <whatsapppro.org> does not prevent a finding of bad faith under 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 names <gbwhatsappk.chat>, <gbwhatsappk.net>, <gbwhatsappk.org>, <gbwhatsapps.chat>, <whatsappapk.download>, and <whatsapppro.org> be transferred to the Complainant.

/Theda König Horowicz/

Theda König Horowicz

Sole Panelist

Date: June 16, 2025