

## ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Deepak Joshi

Case No. D2025-1719

### 1. The Parties

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

The Respondent is Deepak Joshi, India.

### 2. The Domain Name and Registrar

The disputed domain name <tmwhatapps.net> is registered with One.com A/S (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 29, 2025. On April 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 6, 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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on June 10, 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 (apps), WhatsApp. Founded in 2009 and acquired by Meta Platforms, Inc., WhatsApp allows global users to exchange messages for free via smartphones. It has over 2.6 billion monthly active users worldwide in January 2023, and has been consistently ranked amongst Google Play and Apple iTunes 25 most popular free mobile applications and Tech Radar's Best Android Apps. WhatsApp is one of the most downloaded applications both in the world and in India, according to applications information company Data.ai.

The Complainant owns a portfolio of trademarks containing the term WHATSAPP and relevant figure globally, including the following: International Trademark Registration No. 1085539 for WHATSAPP, registered on May 24, 2011; European Union Trade Mark Registration No. 009986514 for WHATSAPP, registered on October 25, 2011; India Trademark Registration No. 2149059 for WHATSAPP, registered on May 24, 2011; and International Trademark Registration No. 1109890 for  registered on January 10, 2012.

The Complainant also owns domain names containing the term "WhatsApp", including the one under which it operates its official website, <whatsapp.com>, as well as <whatsapp.net>.

The disputed domain name was registered on April 30, 2023. According to the evidence provided by the Complainant, at the time of filing of this Complaint, the disputed domain name resolved to a website displaying prominently the Complainant's word trademark using its basic font, as well as its figurative mark using its designed logotype and color, with an addition of the letters "tm" in both of them. The website offered for download unauthorized, modified/modded versions of the Complainant's app with claimed added functions.

#### **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.

##### **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 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 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, “tm”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Particularly, the disputed domain name incorporates the mark nearly in full, changing only by moving the letter “s” in the mark WHATSAPP, which is a common and minor misspelling of the mark (i.e., typosquatting) and is still considered to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 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 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 notes that the composition of the disputed domain name itself is clearly intended to, and does, play off the trademark of the Complainant because the disputed domain name consists of the Complainant’s mark under a minor misspelling, plus the letters “tm”, which may be abbreviation of the descriptive term “trademark”. The misspelling/typosquatting in the disputed domain name combined with the use of the Complainant’s exact trademark on the website signals the Respondent’s intent to trade off the Complainant’s mark. The available record shows that the Respondent is not affiliated or otherwise authorized by the Complainant or held any registration of the WHATSAPP mark anywhere. There is no evidence indicating that the Respondent is commonly known by the disputed domain name.

The disputed domain name resolved to a website where the Complainant’s word mark and figurative logo are both displayed prominently with addition of the letters “tm” in them, using their original designs and fonts respectively. It’s apparent that the Respondent has attempted to take an unfair advantage from the Complainant’s mark as well as its copyrighted software. The Panel considers more likely than not that the purportedly distributed software are counterfeit products as well as pirated copies including those with malware and phishing for personal data of the Complainant’s customers. Those cannot constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

Panels have held that the use of a domain name for illegal activity, here, claimed sale of counterfeit goods and pirated software, phishing, distributing malware and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 incorporated, without any license or authorization the Complainant's trademark nearly in full in the disputed domain name, plus the term "tm" which may refer to trademark itself or may be meaningless otherwise. The Complainant's trademark WHATSAPP is highly well known globally, including in the location where the Respondent allegedly resides, and the Complainant's registration and use of its mark much predates the Respondent's registration of the disputed domain name. Moreover, the disputed domain name involves typosquatting by moving just one letter "s" in the Complainant's mark and is similar to the Complainant's domain names <whatsapp.net> and <whatsapp.com>, indicating the Respondent's ultimate intent to confuse unsuspecting Internet users seeking or expecting the Complainant. Thus, the Respondent must have known of the Complainant's mark at the time of registering the disputed domain name. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

At the time of filing of the Complaint, the disputed domain name resolved to a website featuring the Complainant's trademark and designed logo copying its logotype and color design, both with addition of simple letters of "tm" and without the typosquatting found in the disputed domain name. Combined with the previous finding that the disputed domain name constitutes intentional typosquatting of the Complainant's mark, the Panel is convinced that the Respondent targets the Complainant and intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The disputed domain name was thus registered and used in bad faith, according to paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity, here, claimed sale of counterfeit goods and pirated software, phishing, distributing malware and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 name <tmwhatapps.net> be transferred to the Complainant.

/Hong Yang/  
**Hong Yang**  
Sole Panelist  
Date: June 24, 2025