

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC v. Assem Mahgoob, Assem  
Case No. D2025-1776

### **1. The Parties**

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

The Respondent is Assem Mahgoob, Assem, Yemen.

### **2. The Domain Name and Registrar**

The disputed domain name <gbwatsap.com> (the "Disputed Domain Name") is registered with Name.com, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 2, 2025. On May 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 2, 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, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 5, 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 7, 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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 10, 2025.

The Center appointed Mariia Koval as the sole panelist in this matter on June 13, 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, founded in 2009, was acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) in 2014. The Complainant is a provider of one of the world's most popular mobile messaging applications "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 well over 2.6 billion monthly active users worldwide in 2023. WhatsApp application has acquired considerable reputation and goodwill worldwide: consistently being ranked amongst Google Play and Apple iTunes 25 most popular free mobile applications and Tech Radar's Best Android Apps. WhatsApp is the 4th most downloaded application for iOS phones worldwide according to applications information company Data.ai.

The Complainant owns numerous WHATSAPP trademark registrations (the "WHATSAPP Trademark"), among which are:

- United States Trademark Registration No. 3939463, registered on April 5, 2011, in respect of services in class 42;
- International Trademark Registration No. 1085539, registered on May 24, 2011, in respect of goods and services in classes 9 and 38;
- European Union Trademark Registration No. 009986514, registered on October 25, 2011, in respect of goods and services in classes 9, 38, and 42.

The Complainant has built up a considerable online presence and is operating, among others, domain names <whatsapp.com>, <whatsapp.net>, <whatsapp.info>, and others. The Complainant also operates various social media platforms, particularly Facebook, X, YouTube and LinkedIn, where the WHATSAPP Trademark is extensively used and promoted.

The Disputed Domain Name was registered on May 5, 2023. As of the date of filing of the Complaint, and of this Decision, the Disputed Domain Name resolves to an active website in Arabic that purports to offer for download an unauthorized modified APK versions of the WhatsApp application, as well as of the Instagram application of the Complainant's affiliated company Instagram LLC.

#### **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 the Complainant's WHATSAPP Trademark since the Disputed Domain Name comprises an obvious misspelling (i.e., "watsap") of the Complainant's WHATSAPP Trademark, where the letter "h" and the second letter "p" are omitted, preceded by the two letters "gb".

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Respondent is not a licensee of the Complainant nor is the Respondent affiliated with the Complainant in any way, nor has the Complainant authorized the Respondent to make any use of its WHATSAPP Trademark, in the Disputed Domain Name or otherwise;
- the Disputed Domain Name comprises an obvious misspelling of the Complainant's WHATSAPP Trademark, preceded by the prefix "gb";
- the Respondent's registration of the Disputed Domain Name violates the WhatsApp Brand Assets and Guidelines, as well as Terms of Services;
- the Respondent is using the Disputed Domain Name to offer for download unauthorized modified APK versions of the Complainant's WhatsApp application;
- the Respondent's website prominently refers to the Complainant's WHATSAPP Trademark and features variations of the Complainant's WhatsApp logo and figurative trademark;
- the Respondent is not commonly known by the Disputed Domain Name: there is no contact information on the Respondent's website, nor any evidence that the Respondent has obtained or applied for any registration of the WHATSAPP Trademark.

Finally, the Complainant contends that the Respondent has registered and used the Disputed Domain Name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was 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 Disputed Domain Name comprises an obvious misspelling of the Complainant's WHATSAPP Trademark with an omission of the letter "h" and the second letter "p", preceded by the two letters "gb" and with the generic Top-Level Domain ("gTLD") ".com". The Disputed Domain Name appear to be a typical example of typosquatting, i.e., a misspelling of the Complainant's WHATSAPP Trademark. According to the [WIPO Overview 3.0](#), section 1.9, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. The Panel finds that omission of letters "h" and "p" in the Disputed Domain Name in this case does not prevent the Disputed Domain Name from being confusingly similar to the Complainant's WHATSAPP Trademark.

According to the [WIPO Overview 3.0](#), section 1.11, the applicable gTLD in a domain name (e.g., “.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s WHATSAPP Trademark pursuant to paragraph 4(a)(i) of the Policy.

## **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 concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained any authorization to use the Complainant’s WHATSAPP Trademark. Moreover, there is no element from which the Panel could infer the Respondent’s rights over the Disputed Domain Name under the Policy, or that the Respondent might be commonly known by the Disputed Domain Name.

The Panel is of the opinion that there is no evidence that the Respondent is using the Disputed Domain Name to offer bona fide goods or services or making a legitimate noncommercial or fair use. On the contrary, as at the date of filing of the Complaint and this Decision, the Disputed Domain Name resolves to a commercial website in Arabic that purports to offer for download unauthorized modified APK versions of the Complainant’s WhatsApp application. In addition, the Respondent’s website incorporates the Complainant’s WHATSAPP Trademark, along with variations of the Complainant’s logo and figurative trademark. In addition, the Respondent’s website does not provide any clear or prominent disclaimer indicating that it is (un)affiliated with the Complainant, thereby failing to accurately disclose the absence of any official relationship.

Also, due to the typosquatting nature of the Disputed Domain Name, its construction is likely to mislead or cause confusion as Internet users may not notice the subtle difference between “watsap” and “whatsapp” and may think the Disputed Domain Name may be related to the Complainant, contrary to the fact. The Panel finds that the Respondent’s primary intent when registering the Disputed Domain Name was most likely to cause confusion among Internet users.

In light of the above, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Therefore, the second element of the paragraph 4(a) of the Policy has been met by the Complainant.

### **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 finds that the Respondent registered and is using the Disputed Domain Name in bad faith. The Complainant obtained the registration of the WHATSAPP Trademark at least 12 years earlier than the Respondent registered the Disputed Domain Name in 2023. Taking into account all circumstances of this case, the Panel finds that the Respondent was very well aware of the Complainant's business and its WHATSAPP Trademark when registering the confusingly similar Disputed Domain Name that incorporates a misspelled version of the Complainant's WHATSAPP Trademark. The Panel considers it is bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant's WHATSAPP Trademark, so as to create a false association or affiliation with the Complainant.

Moreover, the Respondent's knowledge of the Complainant's WHATSAPP Trademark is also supported by the use of the Disputed Domain Name for a website, where modified versions of the WhatsApp and Instagram applications are offered to download. Moreover, the website under the Disputed Domain Name contains the Complainant's WHATSAPP Trademark, and also offers a modified Instagram application belonging to the Complainant's affiliated company Instagram LLC. In view of the fact that the Disputed Domain Name resolves to the website displaying the Complainant's WHATSAPP Trademark, Internet users would most likely be misled into believing that the Disputed Domain Name is related to or authorized by the Complainant.

According to section 3.1.4 of the [WIPO Overview 3.0](#), UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or 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. The Panel is of the opinion that it is clear that the Respondent, having registered and used the Disputed Domain Name, which is confusingly similar to the Complainant's widely-known WHATSAPP Trademark, intended to disrupt the Complainant's business and confuse Internet users seeking the Complainant's website. In view of the absence of any evidence to the contrary and the fact that the Respondent did not file any response in these proceedings, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

In view of the foregoing, the Panel finds that the paragraph 4(a)(iii) of the Policy has been established by the Complainant and accordingly, the Disputed Domain Name was registered and is being used in bad faith.

### **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 <gbwatsap.com> be transferred to the Complainant.

*/Mariia Koval/*

**Mariia Koval**

Sole Panelist

Date: June 27, 2025