

ADMINISTRATIVE PANEL DECISION

WhatsApp, LLC v. muhammad zakariya, ZK Marketing
Case No. D2025-1784

1. The Parties

The Complainant is WhatsApp, LLC, United States of America, represented by Greenberg Traurig, LLP, United States of America.

The Respondent is muhammad zakariya, ZK Marketing, Pakistan, self-represented.

2. The Domain Name and Registrar

The disputed domain name <gbwhatsapkpro.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 May 3, 2025. On May 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 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 May 12, 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 amendment to the Complaint on May 15, 2025.

The Center verified that the Complaint together with the amendment to 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 May 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Respondent sent email communications to the Center on May 14 and June 10, 2025.

The Center appointed Jon Lang as the sole panelist in this matter on July 1, 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 operates the WhatsApp messaging and voice-over-IP service and mobile application. It is a global leader in messaging services for mobile devices, with over two billion people in over 180 countries using its services.

The Complainant owns exclusive rights in the WHATSAPP trademarks which it has used since 2009. In addition to its extensive common law rights, the Complainant owns numerous trademark registrations including United States of America registration no. 3939463 (for WHATSAPP) with a registration date of April 5, 2011; European Union Trade Mark no. 009986514 (for WHATSAPP) with a registration date of October 25, 2011; and International registration no. 1396913 (for WHATSAPP) with a registration date of December 21, 2017.

In addition to the Complainant's official <whatsapp.com> domain name, the Complainant owns and operates numerous other domain names consisting of the WHATSAPP trademark. The Complainant has also made substantial investments to develop a strong presence online by being active on various social-media platforms, including Facebook, Instagram, Twitter, YouTube and LinkedIn.

The disputed domain name <gbwhatsapkpro.com> (hereafter the "Domain Name") was registered on December 5, 2024. The Domain Name resolves to the Respondent's website which targets the Complainant by offering users an unauthorized and modified version of the Complainant's WhatsApp app, whilst making prominent use of the Complainant's trademarks.

The Complainant has exhibited a screenshot of the Respondent's website, an extract of which states: "Now, the original WhatsApp is also available in a modified version. Gb Whatsapp pro mod apk download provides users additional functions that are also available in this modified app. This advanced version allows you to Customise, Hide status, Auto reply, DND Mod, Anti-revoke message, Emoji Effective, etc. It also allows you to view deleted messages from contacts."

Not much is known about the Respondent who maintains that he created the Domain Name independently with the intention of providing information and educational content, that it has not been used for any commercial purposes, that he has not used "any official logos, trademarks, or copyrighted materials on the domain" and that there was no intention to infringe or mislead (Respondent's email of May 14, 2025).

In December 2024, the Complainant's agents sent to the Respondent two notification letters demanding the cessation of all unauthorized use of its WHATSAPP trademark and that it transfer the Domain Name to the Complainant. The Respondent did not reply.

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 Domain Name. Notably, the Complainant contends as follows:

Confusing Similarity

The Domain Name incorporates the Complainant's well-known WHATSAPP trademark in near identical form by omitting a single letter, namely the second letter "p". Alternatively, the Respondent uses the dominant "whats" element of the WHATSAPP trademark and has added the letters "gb" as a prefix, and the descriptive terms "apk" and "pro" as suffixes. The addition of the letters "gb" (which might refer to "gigabyte") and the generic terms "apk" (an acronym for Android Package Kit) and "pro" (shortform for the word "professional") does not prevent a finding of confusing similarity with the Complainant's WHATSAPP trademark, because it is clearly recognizable within the Domain Name.

Lack of rights or legitimate interests

The Respondent's use of the Domain Name to offer a modified version of the Complainant's WhatsApp mobile application, does not suggest in any reasonable way that the Respondent is commonly known by the Domain Name, nor does it give rise to any reputation in the Domain Name itself, independent of the Complainant's well-established trademark rights. There can be no fair use where a respondent effectively impersonates or suggests sponsorship or endorsement by a trademark owner. The Respondent has composed the Domain Name with a typo together with other elements. The formulation of the Domain Name, coupled with the Respondent's website content specifically targeting the Complainant, entails a high risk of implied affiliation with the Complainant.

The Respondent's website content specifically targets the Complainant whilst making prominent use of the Complainant's trademarks. The Respondent clearly had the Complainant's trademarks in mind when registering the Domain Name and intended to exploit and profit from them.

Respondents who knowingly adopt a third party's well-known trademark as a domain name cannot establish rights to the domain name based merely on an offer of goods or services prior to the notice of a dispute. Rights or legitimate interests cannot be created where the user of the domain name at issue would not choose such a name unless he was seeking to create an impression of association with the complainant.

Internet users are likely to be confused into believing that the Domain Name and the Respondent's unauthorized derivative app are operated, approved of, sponsored by, or affiliated with the Complainant. This implied affiliation or sponsorship cannot constitute legitimate or noncommercial fair use under the Policy.

The Respondent's website content displays a logo that is confusingly similar to the Complainant's WHATSAPP design mark and misappropriates the Complainant's website and platform trade dress, specifically the Complainant's official WhatsApp green color with white font on a black background, to achieve a similar look and feel.

The Complainant's Terms of Use apply to all services integrated with or related to the Complainant's platforms and expressly prohibit the Respondent from using the Complainant's trademarks.

Registration and use in bad faith

The Complainant's WHATSAPP trademark is inherently distinctive and well-known throughout the world in connection with its messaging application, having been continuously and extensively used since the launch of its services in 2009, and having acquired considerable reputation and goodwill worldwide.

The term "whatsapp" is distinctive and is exclusively associated with the Complainant. All search results obtained by typing the term "whatsapp" into the Google search engine, refer to the Complainant.

Mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating a mark plus a descriptive term) to a widely-known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith.

The global renown of the Complainant's WHATSAPP trademark is widely recognised.

The Respondent cannot credibly argue that it did not have prior knowledge of the Complainant's trademarks at the time the Domain Name was registered.

In choosing a domain name that so closely resembles the Complainant's WHATSAPP trademark to promote an unauthorized, derivative and competing service, the Respondent is taking advantage of the Complainant's trademark for commercial gain.

Given the composition of the Domain Name and the nature of the website to which it resolves, Internet users are likely to believe that the Respondent's website, along with the modified unauthorized "GB WhatsApp Pro" application promoted thereon, are affiliated with or somehow endorsed by the Complainant. The Respondent's website contains no disclaimer and instead contains erroneous language designed to mislead users, such as: "GBWhatsApp Pro is considered 100% safe. While it's a modified version of WhatsApp, it's a third-party application developed by a trusted developer. [...] GBWhatsApp is currently 100% safe, and it adheres to WhatsApp's Terms of Service".

By using the Domain Name in this fashion, the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the goods and services marketed thereon.

Moreover, the modified WhatsApp applications promoted via the Domain Name may be used to harvest data or to steal WhatsApp users' account credentials, for phishing, or for other unauthorized or illegal activities.

The Respondents' failure to respond to the Complainant's cease-and-desist letter is a further indicator of the Respondents' bad faith, and the Respondent's use of a proxy service strongly suggests an attempt to prevent or frustrate a UDRP proceeding and therefore constitutes additional evidence of bad faith at the time of registration of the Domain Name.

B. Respondent

The Respondent did not submit a formal Response but as stated earlier, sent emails to the Center on May 14 and June 10, 2025. The email of May 14, 2025 (described earlier) stated that the Respondent created the Domain Name independently with the intention of providing information and educational content, that it has not been used for any commercial purposes, that he has not used "any official logos, trademarks, or copyrighted materials on the domain" and that there was no intention to infringe or mislead. This was sent prior to the formal commencement of proceedings on May 16, 2025. The Respondent's email of June 10, 2025, stated that he

understood the concerns raised in the Complaint, would like to resolve matters and was willing to transfer the Domain Name provided compensation was paid for his time, effort, and resources expended in developing the website and its content. The email post-dated the due date for Response (June 5, 2025) and did not result in resolution of the Complaint. As already noted, the Respondent did not reply to two letters sent on behalf of the Complainant in December 2024.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires a complainant to prove: (i) that a respondent has registered a domain name which is identical or confusingly similar to a trademark or service mark in which a complainant has rights; (ii) that the respondent has no rights or legitimate interests in respect of the domain name; and (iii) that the domain name has been registered and is being used in bad faith. A complainant must prove each of these three elements to succeed.

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 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 Complainant's WHATSAPP trademark is clearly recognizable within the Domain Name. The omission of the second letter "p" does little to diminish the visual impression created by the Domain Name, i.e., that it contains, and its dominant element is, the WHATSAPP trademark. To create such a visual impression was no doubt the very purpose in the Respondent choosing the Domain Name. Given that the "whatsap" element of the Domain Name would clearly be taken as a reference to the WHATSAPP trademark despite the missing second "p", the addition of the prefix "gb" and suffixes "apk" and "pro" do not prevent the confusingly similarity with the Complainant's trademark. The generic Top-Level Domain ("gTLD") ".com" may be ignored for comparison purposes.

The Panel finds that the Domain Name is confusingly similar to the WHATSAPP trademark for the purposes of the Policy and thus paragraph 4(a)(i) of the Policy (the first element) 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.

A respondent can show it has rights to or legitimate interests in a domain name in various ways even where, as is the case here, it is not licensed by or, by agreement or otherwise, legitimately affiliated with a complainant. For instance, a respondent can show that it has been commonly known by the domain name or that it is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. A respondent can also show that it is using a domain name in connection with a bona fide offering of goods or services.

There is nothing on the record to indicate that the Respondent is commonly known by the Domain Name. The Domain Name was designed to be mistakenly seen as incorporating the WHATSAPP trademark so as to mislead Internet users into believing that the Domain Name, and website to which it resolves, is genuinely associated in some way with the Complainant, no doubt for commercial gain. In these circumstances, it cannot be said that there is legitimate noncommercial or fair use without intent for commercial gain to mislead, or a bona fide offering of goods or services.

The Domain Name, which clearly seeks to create an association in the minds of Internet users with the Complainant, is a clear case of typosquatting i.e., the deliberate but usually minor misspelling of another's trademark to mislead. Section 1.9 of the [WIPO Overview 3.0](#) makes clear that under "the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant". The additional elements of the Domain Name have not been added in an attempt to avoid the misleading impression created by the Domain Name and, in any event, are insufficient to do so. The Respondent has set out to confuse Internet users and in these circumstances, the Respondent can acquire no rights or legitimate interests in respect of the Domain Name.

Whilst the Respondent has not come forward with a formal Response, he has sent two emails (described earlier) which the Panel is prepared to consider. The first, dated May 14, 2025, appears somewhat disingenuous given, for instance, the Respondent's website displaying a logo that is confusingly similar to the Complainant's WHATSAPP design mark, the deliberate omission of the second "p" from the Domain Name and the statement that "GBWhatsApp adheres to WhatsApp's Terms of Service". The second, dated June 10, 2025, in short, indicates that the Respondent is prepared to do deal provided he is paid some money. Moreover, the Respondent did not engage with the pre-Complaint correspondence sent on behalf of the Complainant.

In all the circumstances, there is nothing to indicate that the Respondent has rights or legitimate interests in the Domain Name for the purposes of the Policy. The contentions of the Complainant have been made out but not answered and accordingly, the Panel finds that the Complainant has fulfilled the requirements of paragraph 4(a)(ii) of the Policy (the second element).

C. Registered and Used 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 too 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.

The Respondent was obviously aware of the Complainant and its WHATSAPP trademark at the time of registration of the Domain Name given its formulation and the use to which it has been put.

One way a complainant may demonstrate bad faith registration and use is to show that a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of its website or of products or services on it.

The purpose behind registration of the confusingly similar Domain Name, the dominant element of which is a slightly misspelt version of the Complainant's WHATSAPP trademark, appears to have been to attract Internet users to the Respondent's website which offers users an unauthorized and modified version of the Complainant's app, whilst making use of the Complainant's trademarks or marks similar thereto. The Panel finds that such use constitutes evidence of both registration and use of the Domain Name in bad faith.

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <gbwhatsapkpro.com> be transferred to the Complainant.

/Jon Lang/

Jon Lang

Sole Panelist

Date: July 14, 2025