

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. abduallah mughal
Case No. D2025-2909

1. The Parties

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

The Respondent is abduallah mughal, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <gbwhatsappdownloadapk.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 22, 2025. On July 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 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 (Registration Private, Domains By Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 July 28, 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 July 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 19, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on August 25, 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 following facts are undisputed.

The Complainant, founded in 2009 is the provider of one of the world's most popular mobile messaging applications, WhatsApp. With this application, the Complainant allows users across the globe to exchange messages. Since its launch in 2009, WhatsApp has become one of the fastest growing and most popular mobile applications in the world, with well over 2.8 billion monthly active users worldwide in January 2024. Consistently being 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 for iOS phones worldwide according to applications information company Data.ai.

The Complainant owns the domain name <whatsapp.com>, which resolves to the main website which allows Internet users to access its messaging platform.

As part of its (online) presence, the Complainant has several trade mark registrations for the WHATSAPP in many jurisdictions worldwide, including but not limited to the United States word mark WHATSAPP with no. 3,939,463, filed on April 1, 2009, and the European Union word mark WHATSAPP with no. 009986514, filed on May 23, 2011.

The disputed domain name, was registered on July 31, 2024, resolves to a website that purports to offer for download APK (Android Package Kit file format) versions of the Complainant's WhatsApp application.

After being aware of the existence of the disputed domain name, the Complainant sent a cease and desist letter to the Respondent on June 27, 2025. No response to this letter was received, after which the Complainant started this proceeding.

The disputed domain name no longer directs to an active website.

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.

The disputed domain name resolves to a website that offers for download unauthorized, modified APK versions of the Complainant's WhatsApp application.

Notably, the Complainant contends the following.

The Complainant's trade mark registrations of WHATSAPP predate the disputed domain name.

The disputed domain name is confusingly similar to the Complainant's WHATSAPP trade marks, as it comprises the trade mark in its entirety. The preceded letters "gb" and the last letters "dnowloadapk" do not prevent that the WHATSAPP trade mark remains clearly recognizable in the disputed domain name.

The website to which the disputed domain name resolved offered for download unauthorized modified APK versions of the WhatsApp application.

The Respondent's website features a green and white colour scheme similar to that used by the Complainant, together with logos, including a favicon, that are very similar to the Complainant's WhatsApp logo and figurative trade mark.

Although the Respondent's website includes a disclaimer section, it does not feature any disclaimer as to its lack of relationship with the Complainant.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is also not a licensee of the Complainants or affiliated with the Complainant in any way. The Respondent cannot be viewed as a bona fide service provider as it does not meet the *Oki Data* criteria (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Now that the Respondent is also not commonly known by the name "gbwhatsappdownloadapk", there is no indication of legitimate interests in the registration 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 entirety of the mark is reproduced within the disputed domain name. Despite the additional preceded letters "gb" and the last letters "downloadapk", the Panel finds the Complainant's trade mark is still 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. Additionally, although the addition of the before mentioned meaningless letter combination and terms, 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 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.

Even if the Respondent was offering services which would refer to the services offered by the Complainant, the Respondent would not make fair use of the Complainant's trade mark in the disputed domain name, under the so-called "Oki Data" test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). The available record before the Panel does not show that the Respondent would meet the requirements of the Oki Data test, because it does not offer for download the official product of the Complainant, but a modified software product of unknown origin that has not been authorized by the Complainant.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.B.

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 intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trade mark, to download the unauthorized modified versions of the Complainant's WhatsApp application. 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 <gbwhatsappdownloadapk.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: September 1, 2025