

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. V. Jayaprakash Jain
Case No. D2025-3088

1. The Parties

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

The Respondent is V. Jayaprakash Jain, India.

2. The Domain Name and Registrar

The disputed domain name <moonwhatsapp.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 August 4, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 5, 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 August 6, 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 August 8, 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 August 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2025. The Respondent sent an email communication to the Center on August 14, 2025. However, the Respondent did not file any formal Response. Accordingly, the Center notified the commencement of panel appointment process on September 2, 2025.

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on September 8, 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 in 2014 was acquired by Meta Platforms, Inc. The Complainant is the provider of the mobile messaging application, WHATSAPP, with well over 2.8 billion monthly active users worldwide in January 2024.

The Complainant is the owner of the WHATSAPP trademark in different jurisdictions. By way of example:

- United States Patent and Trademark registration No. 3939463, registered on April 5, 2011; and
- Indian Trademark Registration No. 3111463, registered on November 30, 2015.

The Complainant also holds figurative trademark registrations for its telephone logo, including:

- International Registration No. 1109890,  , registered on January 10, 2012.

The disputed domain name was registered on August 7, 2024 and resolves to a web page that offers for sale complementary software for WHATSAPP and GOOGLE services and where Complainant's trademarks are reproduced.

The Complainant sent a cease and desist letter to the Respondent on June 27, 2025. However, no response was received.

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 entirety of the mark WHATSAPP is reproduced within the disputed domain name.

The Complainant also alleges that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. The Respondent is making unauthorized use of the Complainant's trademark to market its own ancillary services related to different providers. Accordingly, the Complainant is of the opinion that the OkiData doctrine is not applicable. However, even if one is to apply this doctrine, says the Complainant, the Respondent fails to fulfil three of its four requirements.

Further, the use of WHATSAPP trademark and the use of a modified version of the Complainant's WHATSAPP telephone logo contributes to a risk of affiliation with the Complainant which cannot constitute bona fide use. Indeed, the use of a favicon that is very similar to the Complainant's and the lack of disclaimer on the website promote such risk of affiliation.

The Respondent is not commonly known by the disputed domain name, and neither is making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant also alleges that Respondent's website clearly demonstrates actual knowledge of the Complainant and its trademarks that evidences previous knowledge.

Further, the Complainant contends that further evidence of bad registration is proven by the use of a proxy service, the lack of response to a cease and desist letter, and the offer for sale of unauthorized software. Therefore, says the Complainant, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its trademarks as to the source, sponsorship, affiliation, or endorsement of its website, as set out in paragraph 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. But in an email of August 14, 2025, the Respondent claimed not to be interested in the use of the disputed domain name, nor in its renewal.

6. Discussion and Findings

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

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the 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. Respondent's implied acceptance to transfer

While Respondent's email of August 14, 2025 could be considered as an implied acceptance to transfer the disputed domain name, the Panel notes Complainant's communication denying settlement based on the lack of response to the cease and desist letter and the active, competing use of the disputed domain name by the Respondent. Accordingly, the Panel believes there is a broader interest in recording a substantive decision on the merits.

B. 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. 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, "moon", 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.

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

C. 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 none of the circumstances described in paragraph 4(c) of the Policy can be inferred from the file.

Notably, the Panel finds that the Respondent was making unauthorized use of the Complainant’s trademarks on the website to which the disputed domain name resolves to market its own ancillary services for the Complainant and a third provider. The Panel does not find this use to be a bona fide offering of goods or services because the Respondent did target the Complainant and its trademarks.

The Panel also looks at [WIPO Overview 3.0](#), section 2.8 and finds that the Respondent is selling his own services, competitive to the Complainant’s. Accordingly, this case does not meet the requirements of the OkiData criteria.

The Panel also notes the lack of interest in using or renewing the disputed domain name as informally expressed by the Respondent which also suggests a lack of any rights or legitimate interests.

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

D. 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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark as set out in paragraph 4(b) (v) of the Policy.

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.

On balance, the Panel concludes that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name due to their well-established reputation and distinctiveness as well as and the current use of the disputed domain name. This use strengthens the conclusion that the registration was in bad faith.

The Panel also takes into account the Respondent's statement of lack of interest and need of the disputed domain name for the future. However, the Respondent has, to date, continued to use it for competing commercial purposes with references to the Complainant as well as use of the Complainant's marks, which allows the Panel to infer bad faith use.

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 <moonwhatsapp.com> be transferred to the Complainant.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: September 22, 2025