

ADMINISTRATIVE PANEL DECISION

WhatsApp, LLC v. Aman Pandey
Case No. D2025-3444

1. The Parties

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

The Respondent is Aman Pandey, India.

2. The Domain Name and Registrar

The disputed domain name <gbwhatsapp.live> 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 26, 2025. On August 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 27, 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 (Registrant Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 29, 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 September 2, 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 September 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 25, 2025.

The Center appointed Zeynep Yasaman as the sole panelist in this matter on October 5, 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 global leader in messaging services for mobile devices, with over two billion users across more than 180 countries. Its WhatsApp application enables users to send text messages and voice messages, make voice and video calls, and share images, documents, user locations, and other content with one another. In recent years, the WhatsApp mobile application has been ranked among the top apps in the market.

The Complainant is the owner of registered trademarks in various jurisdictions, such as;

- United States trademark WHATSAPP, registration no. 3939463 registered on April 5, 2011, in class 42;
- United States figurative trademark registration no. 4359872 registered on July 2, 2013, in classes 9 and 38;
- European Union trademark registration WHATSAPP, no. 009986514, registered on October 25, 2011, in classes 9, 38, and 42;
- European Union figurative trademark registration no.010496602, registered on May 18, 2012, in classes 9, 38, and 42;
- International Trademark Registration WHATSAPP no. 1396913, registered on December 21, 2017, in classes 9, 35, 38, 42, and 45;
- International figurative Trademark Registration no.1109890, registered on January 10, 2012, in classes 9 and 38; and
- Indian trademark registration WHATSAPP no. 3111463, registered on November 30, 2015, in classes 9, 35, 36, 38, 42, and 45.

The Complainant's official domain name is <whatsapp.com>, registered on September 4, 2008. In addition, the Complainant owns several other domain names incorporating its trademark, including <whatsapp.net> (registered on February 20, 2009), <whatsapp.org> (registered on February 1, 2010), <whatsapp.us> (registered on February 1, 2010), <whatsapp.cl> (registered on October 30, 2013), <whatsapp.co.za> (registered on April 30, 2010), <whatsapp.es> (registered on February 1, 2010), <whatsapp.com.tr> (registered on August 6, 2013), and <whatsapp.in> (registered on February 1, 2010).

The Complainant enjoys a significant online presence, with 44 million followers and 36 million likes on Facebook, 3.1 million followers on Instagram, 5.2 million followers on X (formerly Twitter), and 3.77 million subscribers on YouTube.

The disputed domain name was registered on January 8, 2025. Although, at the date this Decision was rendered, the Panel's attempt to access the website operating under the disputed domain name resulted in a "dangerous site" warning and the Panel was therefore unable to reach the website, the evidence submitted by the Complainant and the archived records demonstrate that the website previously resolved to a page offering and promoting a modified version of the Complainant's service. The main page included, inter alia, the following statement: "GB WhatsApp Pro APK Download Anti-Ban Protection Fixed Version Here Feeling tired and perhaps slightly annoyed because of fake GB WhatsApp Pro APK you have been downloading don't worry www.gbwhatsapp.live have brought you 100% working GB WhatsApp". The Panel notes that the website provided the possibility to download software and that it reproduced the Complainant's WHATSAPP trademark in its entirety, together with a logo similar to the Complainant's. The content of the website described "GB WhatsApp" as a modified and enhanced version of the official WhatsApp application, developed by third parties and distributed outside official app stores. The site claimed that GB WhatsApp offers advanced customization and privacy features, such as the ability to hide online status, schedule messages, send larger files, apply unique themes, and even run two WhatsApp accounts on the same device. The app was marketed as an "upgraded" or "feature-rich" alternative designed to give users more

control over their chats and appearance settings. It also advertised so-called “Anti-Ban Protection” and regular updates intended to reduce the risk of account suspension by WhatsApp. The Panel further notes that there is a disclaimer stating that GB WhatsApp is not officially supported or endorsed by WhatsApp Inc.

The Panel notes that the Complainant submitted a Registrar contact form notice, seeking to contact the Respondent, but received no 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 disputed domain name.

Notably, the Complainant contends that it holds numerous registrations for the WHATSAPP trademarks and the disputed domain name is composed of the Complainant’s trademark in full, which is preceded by the letters “gb”, which might refer to “gigabyte”, which is insufficient to dispel the confusing similarity with the Complainant’s trademark. The Complainant adds that the applicable generic Top-Level Domain (“gTLD”) “.live” may be disregarded for the purposes of assessment under the first element. In this regard, the Complainant argues that it has strong rights in the well-known WHATSAPP trademark and the disputed domain name is confusingly similar to this mark.

The Complainant contends that the Respondent has no rights nor legitimate interests in the disputed domain name. In that regard, the Complainant argues that there is no evidence to suggest that the Respondent is commonly known by the disputed domain name, that the Respondent’s prior use of the disputed domain name to offer an unauthorized modified version of the Complainant’s WhatsApp software does not suggest in any reasonable way that the Respondent is commonly known by the disputed domain name, nor does it give rise to any reputation in the disputed domain name itself, independent of the Complainant’s well-established trademark rights. To the knowledge of the Complainant, the Respondent has not acquired or applied for a trademark registration for “GB WHATSAPP”, or any variation thereof as reflected in the disputed domain name. The Complainant adds that the Respondent is not a licensee of the Complainant, nor are they affiliated with the Complainant in any way. The Complainant has not authorized the Respondent to make any use of its WHATSAPP trademarks, in a domain name, or previously in a mobile app, in the use of its logos on the website, or otherwise.

The Complainant asserts that the Respondent has composed the disputed domain name with the Complainant’s identical and well-known WHATSAPP trademark together with the descriptive term “gb”, which are clearly intended to target the Complainant’s platforms, services, and customers. Thus, the formulation of the disputed domain name, coupled with the Respondent’s prior website content specifically targeting the Complainant, entails a high risk of implied affiliation with the Complainant. The Complainant states that the prior website content associated with the disputed domain name made prolific use of the Complainant’s trademarks as well as its design trademark, in order to offer a putative modified software application that the Respondent calls GB WhatsApp. According to the Complainant, the Respondent clearly had the Complainant’s trademarks in mind when registering the disputed domain name, and the Respondent clearly registered the disputed domain name in order to exploit and profit from those rights. Respondents who knowingly adopt a third party’s well-known trademark as a domain name cannot claim the benefit of paragraph 4(c)(i) of the Policy to establish rights to it based merely on use to offer putative goods or services prior to the notice of a dispute. Furthermore, the Respondent’s prior website content was intended to confuse users into believing that the disputed domain name and the Respondent’s unauthorized, derivative applications or services are operated, approved, sponsored by, or affiliated with the Complainant. This implied affiliation or sponsorship cannot constitute legitimate or noncommercial fair use under the Policy. The Complainant asserts that the Oki Data test does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits the registration or use of domain names incorporating the Complainant’s trademark, and therefore it is impossible for the Respondent to provide any bona fide services

as understood within the test set out in Oki Data, while the Respondent uses the Complainant's famous trademarks in violation of the prohibitions expressly set out in the Complainant's Terms of Use. Moreover, the Complainant argues that, assuming arguendo that the Oki Data test could apply, the Respondent is not providing bona fide services as understood within the Oki Data test under the first and third factors. The Complainant adds that the Respondent expressly encourages and actively induces third-party users of the Complainant's services to violate the Complainant's Terms of Use via the scraping of user content or data from the Complainant's platform.

With regard to bad faith use and registration of the disputed domain name, the Complainant asserts that it is inconceivable for the Respondent to argue that they were not aware of the Complainant's WHATSAPP trademark when they registered the disputed domain name, as the Complainant's trademark is well known throughout the world. Moreover, the disputed domain name and the Respondent's prior website content are so obviously connected with the Complainant and its WHATSAPP trademarks and services that such use suggests opportunistic bad faith. The Complainant adds that in choosing a domain name that so closely resembles the Complainant's WHATSAPP trademark to promote an unauthorized, derivative, competing service, the Respondent is taking advantage of the Complainant's mark for commercial gain, which supports a finding of bad faith. Furthermore, given the composition of the disputed domain name and the nature of the Respondent's website, Internet users are likely to believe that the Respondent's website, along with the modified unauthorized "GB WhatsApp" application promoted therein, are affiliated with or somehow endorsed by the Complainant. In addition, according to the Complainant, the Respondent's modified application promoted via the disputed domain name may be used to spread malware, to enable spam, to harvest personal data from the Complainant's platform, to steal users' account credentials, or for other illegal activities. The Complainant further adds that the fact that the Respondent had not replied to the Complainant's notification letters sent through the Domain Name Holder Contact Request Form provided by the Registrar, is an indicator of the Respondent's bad faith. Finally, the Complainant argues that the Respondent's use of a proxy service or selection of a registrar with default proxy services, 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 disputed domain name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.2.1. In the present case, the Panel notes that the Complainant owns registered WHATSAPP trademarks. Accordingly, the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

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 3.0](#), section 1.7.

The Panel notes that the entirety of the Complainant's trademark WHATSAPP 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.

It is well established by panels applying the Policy that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Similarly, the applicable gTLD in a domain name (e.g., “.com”) is viewed as a standard registration requirement and as such, is disregarded under the first element confusing similarity test (*H & M Hennes & Mauritz AB v. Donnie Lewis*, WIPO Case No. [D2017-0580](#)). In that regard, the Panel considers that the addition of “gb” at the beginning of the Second-Level portion of the disputed domain name and the gTLD “.live” 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. These are as follows:

- (i) before any notice of the dispute, the respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent 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.

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 that 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 there is no evidence suggesting that the Respondent could be commonly known by the disputed domain name within the meaning of the Policy. Furthermore, the Complainant has clearly established that the Respondent is neither affiliated with the Complainant nor authorized or licensed to use the WHATSAPP trademark or register the disputed domain name.

In cases where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such a composition cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the trademark owner ([WIPO Overview 3.0](#) section 2.5.1). The Panel notes that the nature of the disputed domain name, together with the previous content of the associated website where an allegedly upgraded APK (Android Package Kit) version of the Complainant’s application, which did not belong to the Complainant, had been offered, cannot be considered as a bona fide offering of goods or services, nor a legitimate noncommercial or fair use. Such use carries a risk of implied affiliation or association with the Complainant.

Where a respondent is re-selling a complainant's products or providing services relating to them, then the applicable criteria for determining whether a respondent can assert a right or legitimate interest in a domain name that incorporates the complainant's trademark are set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Outlined in the "Oki Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark. However, in the present case, although the Respondent appears to be offering a WhatsApp-related software, the software in question does not belong to the Complainant but is instead allegedly a modified or "upgraded" version of it developed by third parties. In other words, the Respondent does not offer for download the official product of the Complainant. In this regard, in the Panel's view, such use does not fall within the Oki Data criteria. Moreover, even though there is a disclaimer stating that GB WhatsApp is not officially supported or endorsed by WhatsApp Inc., this does not render the Respondent's activities bona fide under the Policy. As observed by the Panel in *WhatsApp LLC v. pinoty tvshows*, WIPO Case No. [D2025-1115](#), when Internet users have a chance to read the disclaimer, they have already been attracted to the Respondent's website, under the impression that the disputed domain name and the website are associated with the Complainant and would have been exposed to its content. The Panel further considers that a single-sentence disclaimer appearing only once at the bottom of the website may easily go unnoticed by Internet users, who typically do not read the entire page. Therefore, the Panel concludes that the disclaimer contained on the website is insufficient to clearly disclose the Respondent's lack of relationship with the Complainant.

Panels have held that the use of a domain name for illegitimate activity such as phishing, distributing malware, impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. In this regard, the Panel notes that the disputed domain name has been identified by an Internet web browser as having a high likelihood of malicious activity, with a threat profile classified as "Phishing".

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:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the domain name; or
- (ii) that the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel notes that the Complainant's trademark WHATSAPP enjoys a worldwide reputation. It has been established in previous UDRP decisions that the registration of a domain name incorporating a widely-recognized or well-known trademark by a third party who has no connection with the trademark can by itself suggest opportunistic bad faith (see *Pepsico, Inc. v. Domain Admin*, WIPO Case No. [D2006-0435](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#)). Having taken into consideration the composition of the disputed domain name, coupled with the content of the associated website, which contained numerous references to the Complainant's trademark and services, the Respondent's failure to come forward with any explanation for the registration of the disputed domain name in a response and the use of a privacy service to conceal its identity, the Panel considers that the Respondent was aware of the Complainant's well-known trademark and services offered under it. The Panel finds that the Respondent deliberately targeted the Complainant and the registration of a domain name incorporating the Complainant's well-known mark, while being aware of such mark and lacking any rights or legitimate interests, constitutes registration in bad faith.

Furthermore, the Panel considers that by using an almost identical figurative logo while offering an unauthorized version of the Complainant's product, the Respondent has registered and is using the disputed domain name to attract, for commercial gain, Internet users to the Respondent's 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 Panel notes that even though a disclaimer appeared on the website stating that GB WhatsApp is not officially supported or endorsed by WhatsApp Inc., this does not alter the Panel's findings. Given the prominent use of the Complainant's WHATSAPP mark throughout the site, the explicit references to the Complainant and its application, and the fact that the disclaimer appears only once in a single location at the bottom of the site, thus may be easily overlooked by Internet users, the Panel considers that the mere presence of this disclaimer cannot cure the Respondent's 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 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.

Panels have held that the use of a domain name for illegitimate activity, such as phishing, distributing malware, impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. As indicated above, the website under the disputed domain name has been identified by a cybersecurity and threat intelligence platform as having a high likelihood of malicious activity, with a threat profile classified as "Phishing".

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 <gbwhatsapp.live> be transferred to the Complainant.

/Zeynep Yasaman/

Zeynep Yasaman

Sole Panelist

Date: October 15, 2025