

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp, LLC v. Xav Era  
Case No. D2025-3446

### **1. The Parties**

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

The Respondent is Xav Era, United States.

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

The disputed domain name <dinowatsap.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (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 28, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 5, 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 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 30, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on October 15, 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 in the business of providing the well-known WhatsApp mobile messaging application, used by people around the world to communicate with one another. It owns the trademark WHATSAPP, for which it enjoys the benefits of registration, including United States Reg. No. 3,939,463, registered on April 5, 2011.

According to the Whois records, the disputed domain name was registered on December 15, 2024. The Complainant asserts that the Respondent has used the disputed domain name to resolve to website content that specifically targets the Complainant by offering bulk messaging services, while making prominent use of the Complainant's WHATSAPP trademark.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

##### **A. Identical or Confusingly Similar**

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the WHATSAPP mark by providing evidence of its trademark registrations. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates a misspelled version of the WHATSAPP mark, preceded by the additional term “dino”. Despite the omission of the letters “h” and “p”, the WHATSAPP mark remains recognizable for a showing of confusing similarity under the Policy. See [WIPO Overview 3.0](#), section 1.8.

It is standard practice when comparing a disputed domain name to a complainant’s trademarks to not take the Top Level Domain (“TLD”) (e.g., .com) into account. See [WIPO Overview 3.0](#) at 1.11.1.

The content of the website associated with the domain name is usually disregarded by panels when assessing confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.15. However, where such content demonstrates that the Respondent is targeting the Complainant’s mark, it may be considered to confirm confusing similarity. In this case, the Panel notes that the Respondent’s website purports to offer services related to the Complainant’s messaging application, further supporting a finding of confusing similarity.

The Panel finds that the Complainant has established this first element under the Policy.

## **B. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production shifts to the Respondent. See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) there is no evidence to suggest that the Respondent is commonly known by the disputed domain name; (2) the Respondent is not a licensee of the Complainant, nor is it affiliated with the Complainant in any way; (3) the Respondent is not making non-commercial or fair use of the disputed domain name; and (4) the Respondent has not used the disputed domain name in connection with any bona fide offering of goods or services. Instead, the Respondent has used the disputed domain name to feature the Complainant’s WHATSAPP mark in a way that may confuse Internet users.

The Panel has also considered whether the Respondent might qualify for a legitimate interest under the *Okidata* criteria. See *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); [WIPO Overview 3.0](#), section 2.8. The Panel finds the *Okidata* test is not satisfied here, particularly because the Respondent’s website does not accurately or prominently disclose the Respondent’s lack of relationship with the Complainant.

The Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this showing. The use of a domain name to misleadingly suggest affiliation with the Complainant does not confer rights or legitimate interests. See *Société des Produits Nestlé S.A. v. Great Homes, jobs-nestle.com*, WIPO Case No. [D2024-2911](#); [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

## **C. Bad Faith**

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s WHATSAPP mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or of a product or service on that website. The website content makes prominent use of the Complainant’s mark and purports to offer services connected to the Complainant’s messaging application, which evidences a clear intent to target the Complainant.

Such conduct falls squarely within the circumstances of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established this third element under 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 <dinowatsap.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: October 29, 2025