

ADMINISTRATIVE PANEL DECISION

WhatsApp, LLC v. Muhammad Fahim
Case No. D2025-3680

1. The Parties

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

The Respondent is Muhammad Fahim, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <fm-whatsapp.org> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 11, 2025. On September 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 12, 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 (Whois Privacy Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 amended Complaint on September 17, 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 September 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 23, 2025.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on November 3, 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.

In recent years, the WhatsApp mobile application has consistently ranked among the top apps in the market. According to Business Of Apps, WhatsApp is the fourth most popular app globally, and according to App Figures, it is the third most downloaded app globally.

The Complainant owns numerous trademarks consisting of the term WHATSAPP on a worldwide basis, such as, for instance:

- The United States trademark n° 3939463, registered on April 5, 2011;
- The European Union trade mark n° 009986514, registered on October 25, 2011;
- The International trademark n° 1396913, registered on December 21, 2017.

Furthermore, the Complainant owns numerous device trademark consisting of its logo on a worldwide basis, such as the International trademark n° 1109890, registered on January 10, 2012.

In addition to the Complainant's official <whatsapp.com> website and domain name, the Complainant owns and operates numerous other domain names consisting of the WHATSAPP trademark in various generic Top-Level Domains ("gTLDs") and country-code Top-Level Domains ("ccTLDs").

The Complainant has also made substantial investments to develop a strong presence online by being active on various social-media platforms, including Facebook, Instagram, X (formerly Twitter), YouTube and LinkedIn. For instance, WhatsApp's official Facebook page has over thirty-four million Facebook "likes", more than five million followers on X, and three million subscribers on YouTube.

On June 10, 2023, the Respondent registered the disputed domain name. The disputed domain name resolves to a website which prominently displays the Complainant's WHATSAPP trademark and its logo and which claims to promote a modified and enhanced version of the Complainant's service.

In February and March 2024, the Complainant's counsels used the Respondent's contact form and requested him to cease all unauthorized use of its trademarks and to transfer the disputed domain name in its favor. 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 disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark as it entirely incorporates such trademark and that the addition of the term "fm" does not prevent a finding of confusing similarity.

The Complainant further affirms that the Respondent has no rights or legitimate interests in the disputed domain name as the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Furthermore, the Respondent has never been authorized to use the Complainant's trademark in any way and is not known under that name.

The Complainant finally is of the view that the disputed domain name was registered and is being used in bad faith. The Complainant argues that its trademark is inherently distinctive and well-known throughout the world. As a result, the Respondent was aware of its existence when he registered the disputed domain name. In addition, the use made of the website to which the disputed domain name resolves, which portrays the Complainant's WHATSAPP trademark and its logo on numerous instances, is likely to mistake consumers in making them believe that the Complainant is affiliated to such website and, as a result, amounts to a usage in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "[...] decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a 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.

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. 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 such as "fm-" in the present case may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

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.

Panels have held that the use of a domain name for an illegitimate activity, here the promotion of a so-portrayed enhanced version of the Complainant’s service using the Complainant’s trademark rights, can never confer rights or legitimate interests on a respondent (*WhatsApp Inc. v. Contact Privacy Inc. Customer 0153186272 / MOHD WILDAN AMIR MUSA*, WIPO Case No. [D2019-0456](#)). [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent was obviously aware of the Complainant’s trademark when it registered the disputed domain name as the Complainant’s trademark enjoys a well-known character on a worldwide basis, as acknowledged by prior panels (*WhatsApp, Inc. v. Domain Manager, SHOUT marketing SL*, WIPO Case No. [D2018-1581](#), and *Gonzalo Gomez Rufino, River Plate Argentina, and Gonzalo Gomez Rufino, SHOUT Marketing SL, WhatsApp LLC v. Nayan Borse and Mohd Syazuan Saad, Bix Charity Kb*, WIPO Case No. [D2023-3186](#)).

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 an illegitimate activity, here the promotion of a so-portrayed enhanced version of the Complainant’s service using the Complainant’s trademark rights, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Prior panels have further held that commercial gain may include a respondent gaining or seeking reputational and/or bargaining advantage, even where such advantage may not be readily quantified; such circumstances apply to the present case (see also *WhatsApp, Inc. v. Whois Agent, Whois Privacy Protection Service, Inc. / Mohammed Alkalbani, et al.*, WIPO Case No. [D2016-2299](#)) [WIPO Overview 3.0](#), section 2.5.3.

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 <fm-whatsapp.org> be transferred to the Complainant.

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: November 13, 2025