

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Anish Gawand, Siddhivinayak Shopping center
Case No. D2025-3747

1. The Parties

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

The Respondent is Anish Gawand, Siddhivinayak Shopping center, India.

2. The Domain Name and Registrar

The disputed domain name <thewhatsapppromotion.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 September 15, 2025. On September 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 16, 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 September 17, 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 22, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent sent email communications to the Center on October 13, October 18, and October 21, 2025, and filed a Response on

October 19. On October 21, 2025, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on October 29, 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 provider of one of the world's most popular mobile messaging applications under the name WhatsApp. Founded in 2009 and acquired by Meta Platforms, Inc. (Meta) in 2014, the Complainant allows users across the globe to exchange messages for free via smartphones, including iPhone and Android. Its main website, available at "www.whatsapp.com", also allows Internet users to access its messaging platform.

The Complainant exploits one of the most popular mobile applications in the world, with over 2.8 billion monthly active users worldwide in January 2024. The Complainant is 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 several trademarks on a worldwide basis consisting of the term WHATSAPP, such as:

- The US Trademark Registration No. 3939463, registered on April 5, 2011;
- The European Union Trademark Registration No. 009986514, registered on October 25, 2011; and
- The International Trademark Registration No. 1085539, registered on May 24, 2011.

The Complainant further owns an International Trademark Registration consisting of the icon of a phone,  under Registration No. 1109890, registered on January 10, 2012.

The Complainant further owns numerous domain names under various generic Top-Level Domains ("gTLD") and country-code Top-Level Domains ("ccTLD") as well as social-media forums. Its official page on Facebook has over 36 million "likes" and the Complainant enjoys more than 5.6 million followers on X.

On August 27, 2024, the Respondent registered the disputed domain name. The disputed domain name resolves to a website which promotes the Complainant's messaging services to enable user to send bulk messages and features a form inviting Internet users to create an account or log in. The website further displays a logo very similar to the Complainant's one.

On August 7, 2025, in an attempt to resolve the matter amicably, the Complainant's lawyers sent Registrar registrant contact form notices, seeking to contact the Respondent. The Complainant's lawyers did not receive any response.

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 terms "the" and "promotion" 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, promoting bulk WhatsApp messaging services, further displaying the Complainant's trademark and logo in a very similar manner, is likely to mislead consumers and, as a result, amounts to a use in bad faith.

B. Respondent

While the Respondent submitted a Response on October 19, 2025, arguing that it had registered the disputed domain name as it was available on the Registrar's platform without any knowledge that, in doing so, he would infringe the Complainant's trademark rights. The Respondent further stated that he was willing to transfer the disputed domain name in favor of the Complainant, asking for details as to the process to carry out such transfer.

The Respondent reiterated the same in its email communication on October 21, 2025.

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 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 “the” as a prefix and “promotion” as a suffix 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.

The Panel finds that the use of the Complainant’s mark and a similar logo to advertise services related to the Complainant’s application, without disclosing the absence of relationship with the Complainant, does not amount to a bona fide offering.

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, and Gonzalo Gomez Rufino, River Plate Argentina, and Gonzalo Gomez Rufino, SHOUT Marketing SL*, WIPO Case No. [D2018-1581](#); and *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.

Prior panels have 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. [WIPO Overview 3.0](#), section 2.5.3.

Having reviewed the record, the Panel finds that 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 <thewhatsapppromotion.com> be transferred to the Complainant.

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: November 7, 2025