

ADMINISTRATIVE PANEL DECISION

WhatsApp, LLC v. SCICUBE, SCICUBE LIMITED

Case No. D2025-3765

1. The Parties

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

The Respondent is SCICUBE, SCICUBE LIMITED, China.

2. The Domain Names and Registrar

The disputed domain names <whats-api.com>, <whatsapp-marketings.com>, and <whatsapp-sender.com> are 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 September 16, 2025. On September 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 18, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 27, 2025. The Respondent sent an email communication to the Center on October 28, 2025. The Center sent a possible settlement email on November 2, 2025. The Complainant did not request the suspension of the proceedings.

The Center appointed Zoltán Takács as the sole panelist in this matter on November 12, 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

Founded in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) in 2014 the Complainant is a provider of one of the world's most popular mobile messaging applications WhatsApp with over two billion monthly active users worldwide (as of 2023).

The Complainant is among others owner of the United States Trademark Registration No. 3939463 for the word mark WHATSAPP registered on April 5, 2011.

In addition to the Complainant's "www.whatsapp.com" website and the corresponding domain name (registered on September 4, 2008), the Complainant owns and operates numerous other domain names consisting of the WHATSAPP trademark.

The disputed domain names <whats-api.com> and <whatsapp-marketings.com> were registered on January 7, 2021 and June 3, 2019 respectfully and appear to have been inactive since registration.

The disputed domain name <whatsapp-sender.com> was registered on November 9, 2017 and has resolved to a website that was making prominent use of the Complainant's trademark and was promoting and selling an unauthorized software purporting to enable delivery of bulk unsolicited messages through the Complainant's platform. Currently the disputed domain name resolves to an inactive web page which displays "Your connection is not private Attackers might be trying to steal your information from whatsapp-sender.com (for example passwords, messages or credit cards)".

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 names.

Notably, the Complainant contends that:

- the disputed domain name <whatsapp-marketings.com> which incorporates its WHATSAPP mark in its entirety is confusingly similar to it since the addition of the term "marketings" does not prevent a finding of confusing similarity with the WHATSAPP mark;
- the disputed domain name <whats-api.com> which incorporates the distinctive portion of the WHATSAPP mark by merely adding a hyphen and substituting the letter "p" for the letter "i" is confusingly similar to the WHATSAPP mark;
- the disputed domain name <whatsapp-sender.com> which uses the misspelled variant of the WHATSAPP mark by omitting the first letter "a" and adding a hyphen and the term "sender" is confusingly similar to the mark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain names and is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii) or (iii) or the Policy; and

- it is inconceivable that the Respondent was not aware of the Complainant's globally famous mark when it registered the disputed domain names; and
- given the composition of the disputed domain names and the nature of the Respondent's "whatsapp-sender.com" website the Respondent registered the disputed domain names to suggest false affiliation with the Complainant.

The Complainant requests that the disputed domain names be transferred from the Respondent to the Complainant.

B. Respondent

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

However, as mentioned above the Center received an email communication on October 28, 2025 which apparently originated from the Respondent in which they stated that they are a web hosting company which provide domain name registration for their customers and that the "actual user/holder" of the disputed domain names "agreed" to give them up and inquired on the steps they would need to do.

The Center sent email communications to the Parties on November 2 and 3, 2025 on possible settlement and advised of the deadline by which the Complainant could let the Center know if they wish to enter into settlement negotiations. The Center also advised that no such request is received the Center will proceed to panel appointment.

The Complainant did not request the suspension of the proceeding.

6. Discussion and Findings

In order to succeed on a complaint, a complainant must evidence each of the three elements required by paragraph 4(a) of the Policy, namely that:

- (i) the 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 domain name; and
- (iii) the 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 disputed domain name <whatsapp-marketing.com> incorporates the WHATSAPP mark in full. The mark is recognizable in the disputed domain name which is therefore confusingly similar to it. [WIPO Overview 3.0](#), section 1.7.

The disputed domain names <whats-api.com> and <whatsapp-sender.com> contain misspelled variants of the WHATSAPP mark by merely substituting the letter “p” for the letter “i” and by merely omitting the first letter “a” in the mark and are therefore confusingly similar to the mark. [WIPO Overview 3.0](#), section 1.9.

The addition of the terms “marketings” and “sender” as well as hyphens to the mark in the disputed domain names does not prevent a finding of confusing similarity between the disputed domain names 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 the 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Complainant has submitted sufficient and uncontested evidence that it holds well-established prior rights in the WHATSAPP mark.

The Complainant has never authorized the Respondent to use its mark, in domain names, or otherwise.

As mentioned above, the disputed domain names <whats-api.com> and <whatsapp-marketings.com> appear to have been inactive since registration. Passive holding does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use of these disputed domain names.

The disputed domain name <whatsapp-sender.com> used to resolve to a website that was making prominent use of the Complainant’s trademark and was promoting and selling an unauthorized software purporting to enable delivery of bulk unsolicited messages through the Complainant’s platform. Such use of the disputed domain name could create an impression of association with the Complainant and does not constitute a legitimate noncommercial or fair use of the disputed domain name. Also, the website at the disputed domain name did not disclose the Respondent’s relationship with the Complainant hence the “nominative use” justification for a domain name reflecting the Complainants’ mark does not apply in this case. [WIPO Overview 3.0](#), sections 2.13.2 and 2.8.1; *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The Panel finds that 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.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

In the present case the Panel notes that the Complainant's WHATSAPP mark has become globally famous before the registration of the disputed domain names (see *WhatsApp Inc. v. Francisco Costa*, WIPO Case No. [D2015-0909](#)).

The Respondent has replicated the well-known WHATSAPP mark, or misspelled variations of it in the disputed domain names. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The website at the disputed domain name <whatsapp-sender.com> used to resolve to a website that was making prominent use of the Complainant's WHATSAPP mark and was promoting and selling an unauthorized software purporting to enable delivery of bulk unsolicited messages through the Complainant's platform. Hence, in the Panel's view the Respondent clearly had the Complainant and its mark in mind at the time of registration and has registered and used the disputed domain names to target the Complainant and its well-known WHATSAPP mark, which is evidence of bad faith. Paragraph 4(b)(iv) of the Policy.

The facts that the disputed domain names <whats-api.com> and <whatsapp-marketings.com> appear to have not been used, and that the Respondent put the disputed domain name <whatsapp-sender.com> to passive use does not alter the Panel's above conclusions, since non-use of the disputed domain names does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In this context, the Panel notes the global reputation of the Complainant's mark and the previous use of the disputed domain name <whatsapp-sender.com> and finds that in the circumstance of this case the passive holding of the disputed domain names does not prevent a finding of 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 names <whats-api.com>, <whatsapp-marketings.com> and <whatsapp-sender.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: November 21, 2025