

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Mitu Patel

Case No. D2025-3924

1. The Parties

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

The Respondent is Mitu Patel, India.

2. The Domain Name and Registrar

The disputed domain name <gbwhatsapp.fun> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 26, 2025. On September 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 29, 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 October 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 October 3, 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 October 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 30, 2025.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on November 7, 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 United States company that operates globally under the trademark WHATSAPP, providing a mobile messaging application (“app”) that allows users across the globe to exchange messages via smartphones. The Complainant’s app is available in more than sixty languages, and it has consistently been ranked among the top apps in the market (according to BusinessOfApps, it is the fourth most popular app globally of 2025, and according to App Figures, it was the third most downloaded app globally in 2024).

The Complainant holds registered trademark rights in the mark WHATSAPP in many jurisdictions, as well as in the logo used to visually identify its app (consisting of a telephone within a green circle), being the owner of a substantial trademark portfolio, of which the following are sufficiently representative for the present proceeding:

- United States Trademark No. 3,939,463, WHATSAPP, word mark, registered April 5, 2011, in class 42;
- European Union Trade Mark No. 009986514, WHATSAPP, word mark, registered October 25, 2011, in classes 9, 38 and 42;
- European Union Trade Mark No. 010496602, figurative mark, registered May 18, 2012, in classes 9, 38 and 42 (consisting of a telephone within a green circle);
- International Trademark No. 1085539, WHATSAPP, registered May 24, 2011, in classes 9 and 38;
- International Trademark No. 1109890, figurative mark, registered on January 10, 2012, in classes 9 and 38 (consisting of a telephone within a green circle); and
- Indian Trade Mark No. 2149059, WHATSAPP, registered on May 24, 2011, in classes 9 and 38.

(Hereinafter collectively referred to as the “WHATSAPP mark”, and the “WHATSAPP logo”, respectively).

The Complainant further owns numerous domain names incorporating the WHATSAPP mark, under various generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”), including <whatsapp.com> (registered on September 4, 2008). This domain name resolves to the Complainant’s main website, which allows Internet users to access its online messaging platform.

The disputed domain name was registered on April 6, 2025, and currently resolves to an English-language website displaying the disputed domain name in its heading. The site provides news on various topics, including cryptocurrencies, the freelancing career of an individual named “Karne Ka,” and related Instagram reels. It includes comment sections for users and a download link purportedly offering a guide on how to start a freelancing career. The website contains no information identifying its owner or the registrant of the disputed domain name, nor does it disclose any lack of affiliation with the Complainant or its trademarks. The site’s copyright notice states: “© 2025 gbwhatsapp.fun • Built with GeneratePress.”

According to the evidence provided by the Complainant, the disputed domain name previously resolved to an English-language website that purported to offer a modified version of the Complainant’s application, described as “a more stable, feature-rich, and anti-ban version.” The site prominently displayed the WHATSAPP mark and a variant of the WHATSAPP logo in its header and throughout its content. The website stated:

“GB WhatsApp Pro is an unofficial, modified version of WhatsApp with extra features that the original app doesn't offer. It is developed by third-party developers (not by Meta) and provides: [...]”,

“Is GB WhatsApp Pro Legal? While not illegal, using mods like GB WhatsApp Pro violates WhatsApp's Terms of Service. This means:

- Your account could be temporarily banned
- WhatsApp may force you back to the official app
- No official support from Meta

However, millions still use it because of its superior features.”

The site's footer contained a disclaimer, which, according to the Complainant, stated: “We want to clarify that we have no official affiliation with WhatsApp or its parent company, Meta Platforms, Inc.” The website contained no apparent information identifying its owner or the registrant of the disputed domain name. The copyright notice at the bottom of the site read: “Copyright © 2025 gb whatsapp.”

On April 10, 2025, the Complainant sent a cease-and-desist communication to the Respondent via the domain owner contact form provided by the Registrar. According to the Complainant, the Respondent did not respond to this communication.

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 argues that the disputed domain name is confusingly similar to the WHATSAPP mark, as it reproduces the mark while omitting the first letter “a”, a common misspelling and typographical variation. The addition of the letters “gb” (which may refer to “gigabyte”) does not eliminate the confusing similarity, and the applicable gTLD “.fun” should be disregarded in the assessment of the first element, as it constitutes a standard registration requirement. The WHATSAPP mark remains clearly recognizable within the disputed domain name.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, has no authorization to use its famous trademarks, and there is no evidence that it is commonly known by or has any rights in the disputed domain name. To the best of the Complainant's knowledge, the Respondent has neither obtained nor applied for trademark registration for “GB WhtsApp” or any variation thereof. The Respondent's website misleadingly suggests an affiliation with the Complainant and its trademarks by promoting an unauthorized, purportedly modified version of the WHATSAPP app while prominently displaying the Complainant's marks. The Respondent is not offering bona fide services within the meaning of the *Oki Data test* (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), which outlines the criteria for legitimate nominative fair use by resellers or distributors. Rather, the Respondent promotes unauthorized app versions potentially linked to illegal activities such as malware distribution, phishing for user credentials, or attempts to compromise WHATSAPP user accounts. The disclaimer at the footer of the Respondent's website is not prominently displayed, may easily go unnoticed by users who do not scroll to the bottom of the page, and is ambiguously worded in a way that may suggest unofficial affiliation with the Complainant. Moreover, the Complainant's Terms of Use expressly prohibit any use of its trademarks or modified versions of its app, and the Respondent's website actively encourages third parties to violate those terms.

The Complainant further asserts that the disputed domain name was both registered and used in bad faith. Given the well-known status of the Complainant's trademarks, it is inconceivable that the Respondent could have registered the disputed domain name without prior knowledge of these marks. The composition of the disputed domain name and the content of the associated website clearly target the Complainant and its trademarks, creating a false impression of affiliation. The Respondent has deliberately sought to attract

Internet users to its website by generating a likelihood of confusion with the Complainant's marks for commercial gain. Moreover, the Respondent's modified version of the app could facilitate the distribution of malware, spam, or phishing attempts, enabling the unauthorized harvesting of personal data and user credentials, thereby compromising the security of WHATSAPP users. Additional evidence of bad faith is reflected in the Respondent's use of a proxy service to conceal its identity and its failure to respond to the Complainant's cease-and-desist communication.

B. Respondent

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

6. Discussion and Findings

The Complainant has submitted all relevant assertions under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers, as provided, *inter alia*, in paragraph 10 of the Rules.

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 established rights in a trademark or service mark for the purposes of the Policy, specifically the WHATSAPP mark and the WHATSAPP logo. [WIPO Overview 3.0](#), section 1.2.1.

A substantial portion of the WHATSAPP mark is reproduced in the disputed domain name, omitting its first letter "a," which may constitute a common, obvious, or intentional misspelling, and adding the letters "gb" before the mark. The Panel finds that the mark remains clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the WHATSAPP mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7, and 1.9.

Although the addition of other terms here, the letters "gb", may bear on the assessment of the second and third elements, the Panel finds that the addition of such letters 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.

Accordingly, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy enumerates the circumstances under which a 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 notes that the Respondent's name, as provided in the Registrar verification, does not correspond to the terms in the disputed domain name, which contains a misspelled version of the WHATSAPP mark preceded by the letters "gb", potentially interpreted as the abbreviation for "gigabyte." There is no evidence indicating that the Respondent is commonly known by the disputed domain name. Additionally, a search of WIPO's Global Brand Database confirms that the Respondent holds no trademark registrations for these terms.¹

Furthermore, according to the Complainant, the Respondent is neither licensed nor affiliated with, nor authorized to use, the WHATSAPP mark, which supports a finding that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel further observes that, although the website initially associated with the disputed domain name purported to offer a modified version of the Complainant's application, it prominently displayed the WHATSAPP mark and its telephone logo, while providing no information regarding the owner of the website or the disputed domain name. The site included an unclear reference to its unofficial character and a disclaimer that was not prominently displayed and could easily be overlooked, thereby creating the misleading impression of affiliation or endorsement.

According to the evidence provided by the Complainant, the Respondent's initial website included a line stating that "GB WhatsApp Pro" is an unofficial modified version of WhatsApp and that "it is developed by third party developers not by Meta". The Complainant also claims that there is a disclaimer accessible only via a link in the footer, stating: "We want to clarify that we have no official affiliation with WhatsApp or its parent company, Meta Platforms, Inc." The Panel finds that such a disclaimer was unlikely to be seen by users visiting the site and is insufficient to correct the false impression of affiliation with the Complainant and its messaging platform created by the disputed domain name itself and the site's content. The disclaimer appeared only after scrolling to the bottom and clicking a section, making it inadequate to prevent users from being misled. See, e.g., *Instagram, LLC v. Vu Ha*, WIPO Case No. [DIO2025-0010](#).

Similarly, the Panel finds that the wording on the Respondent's initial website regarding the unofficial nature of its app version is neither sufficiently clear nor prominent to dispel the false impression of affiliation created by the remainder of the site and the prominent display of the Complainant's trademarks. The statement of "unofficial" status could still be interpreted as suggesting authorization by, or affiliation with, the Complainant and its trademarks.

In these circumstances, the Respondent's initial website cannot be considered a bona fide offering of goods or services under the Policy, as it intentionally created the appearance of affiliation with the Complainant, its trademarks, and its app, exploiting the reputation of the WHATSAPP mark to attract traffic to the Respondent's website and promote unrelated software for commercial gain.

The Panel further observes that the composition of the disputed domain name creates an implied affiliation, negating any claim of rights or legitimate interests on the part of the Respondent. A key consideration in assessing fair use is whether the domain name falsely suggests a connection with the Complainant's

¹Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

trademark. The disputed domain name contains a misspelled version of the WHATSAPP mark preceded by the letters “gb,” commonly understood as the abbreviation for “gigabyte,” which is closely linked to the Complainant’s area of activity in the technology and social media sector. Accordingly, the Panel finds that the disputed domain name’s composition generates a risk of confusion with the Complainant and its trademark.

The Panel also notes that the Respondent’s new website bears no connection to the WHATSAPP mark or the terms contained in the disputed domain name; it provides no information regarding its owner or the domain name, nor does it clarify the absence of any relationship with the Complainant and its trademarks. While this new website has removed references to the Complainant and its trademarks, and it appears to serve an informational purpose unrelated to the Complainant’s field of activity, the risk of confusion created by the composition of the disputed domain name persists. The Panel finds that such use does not confer any rights or legitimate interests on the Respondent.

The Panel further observes, according to the Complainant’s allegations, that the Oki Data conditions for claims of nominative (fair) use by resellers or distributors are not satisfied in this case. The Respondent’s initial website did not offer the Complainant’s WHATSAPP app, but rather a modified version. [WIPO Overview 3.0](#), section 2.8.1.

The Panel also considers the Complainant’s assertion that the disputed domain name may be used for distributing malware or viruses, phishing for user credentials, or other fraudulent activities, given that the Respondent’s initial website invited users to download an alleged version of the Complainant’s app. The Panel further notes that the Respondent’s new website carries a risk that it may be misused for malware distribution, phishing, or other fraudulent activities, considering its multiple invitations for users to comment on posts and download a freelancing guide. In case of such use, UDRP panels have consistently held that the use of a domain name for illegitimate or illegal activities, including phishing, malware distribution, impersonation, or other fraud, cannot confer rights or legitimate interests on a respondent and constitutes evidence of bad faith. See, e.g., *Springer Nature Limited v. Registration Private, Domains By Proxy, LLC / Collections Springer Nature*, WIPO Case No. [D2020-0955](#); and [WIPO Overview 3.0](#), section 2.13.1.

The Panel further notes that the Respondent’s failure to respond to both the Complaint and the cease-and-desist communication, coupled with the modification of the content on the website linked to the disputed domain name, indicates a lack of rights or legitimate interests and supports a finding of bad faith under the Policy.

Consequently, the Panel concludes that the Respondent has failed to rebut the Complainant’s prima facie case, and therefore the second element of the Policy is 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.

Paragraph 4(b) of the Policy enumerates non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith; other circumstances may also be relevant in assessing whether a Respondent’s registration and use of a domain name constitutes bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In this case, the Panel considers it inconceivable that the Respondent could have registered the disputed domain name without awareness of the Complainant’s well-known trademarks. A simple Internet search readily reveals the Complainant, its reputed trademarks, and its messaging application. The Panel further observes that prior UDRP decisions have recognized the well-known character of the WHATSAPP mark, a consideration the Panel embraces. See, e.g., *WhatsApp, Inc. v. Abdallah Almqbali*, WIPO Case No. [D2016-1287](#); *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](#); *WhatsApp Inc. v. Contact Privacy Inc. Customer 0153186272 / MOHD WILDAN AMIR MUSA*, WIPO Case No. [D2019-0456](#); *WhatsApp Inc. v. Luis Raffael Sanchez De La Cruz*, WIPO Case No. [D2019-2485](#); *WhatsApp, LLC v. Marvedys Mata*, WIPO Case No. [DCO2023-0004](#); and *WhatsApp LLC v. Nayan Borse and Mohd Syazuan Saad, Bix Charity Kb*, WIPO Case No. [D2023-3186](#).

The Panel further observes that the content of the Respondent's initial website corroborates the targeting of the Complainant, as it explicitly referenced the Complainant's application and prominently displayed its reputed trademarks. Although the website included a disclaimer and a brief note regarding the unofficial nature of the offered app version, the Panel finds such references insufficiently clear and prominent. A disclaimer located in a footer section is likely to go unnoticed by users. Accordingly, the Panel concludes that the disclaimer and related statements are inadequate to negate the Respondent's bad faith. See *Bayerische Motoren Werke AG v. Ralfs Liepins, Birojs 2B SIA*, WIPO Case No. [D2025-0067](#), where the panel found that a disclaimer "would go unnoticed by most Internet users, who will most likely believe that they are on a website operated by or affiliated with the Complainant." In this case, the disclaimer is similarly hidden, requiring the user to scroll to the bottom of the page.

Furthermore, where the overall circumstances of a case indicate the respondent's bad faith, the mere existence of a disclaimer cannot cure such bad faith. In such cases, UDRP panels may consider the respondent's use of a disclaimer as an admission that users may be confused. See, e.g., *CBOCS Properties, Inc. v. Kas Is*, WIPO Case No. [D2025-1419](#), and [WIPO Overview 3.0](#), section 3.7.

Irrespective of the disclaimer, the Panel considers that the composition of the disputed domain name, together with the prominent display of the Complainant's trademark, along with the purpose of the Respondent's website, lead to a conclusion that the Respondent is taking an unfair advantage of the Complainant and its products.

The Panel further observes that the composition of the disputed domain name constitutes a classic case of typosquatting, featuring a common, obvious, or intentional misspelling of a trademark—the omission of the first letter "a"—which demonstrates an intention to target the WHATSAPP mark. UDRP panels have consistently held that such misspellings indicate bad faith under the Policy. This approach signals the Respondent's intention, typically corroborated by infringing website content, to confuse users seeking or expecting the Complainant, as is evident in this case.

Additionally, the Panel notes that the Respondent's initial website acknowledged the unofficial nature of its app version, indicating that while not illegal, it violated the Complainant's Terms of Service, yet it still encouraged Internet users to download and use the app. The Panel does not consider it necessary to address whether the Respondent is subject to the Complainant's terms of service, but the Panel finds that the composition and use of the disputed domain name is enough to show the Respondent's intention to take unfair advantage of the Complainant's trademark and products. This amounts to bad faith under the Policy.

Accordingly, having reviewed the record, the Panel concludes that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy, and the Complainant has satisfied 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.fun> be transferred to the Complainant.

/Reyes Campello Estebaranz/

Reyes Campello Estebaranz

Sole Panelist

Date: November 18, 2025