

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. soubick das
Case No. D2025-3973

1. The Parties

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

The Respondent is soubick das, India.

2. The Domain Name and Registrar

The disputed domain name <nawhatsapp.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 30, 2025. On September 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 3, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 4, 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 October 8, 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 October 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 11, 2025.

The Center appointed Peter Burgstaller as the sole panelist in this matter on November 20, 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 which allows users to exchange messages via smartphones (Annexes 5 and 6 to the Complaint).

The Complainant owns several trademark registrations containing the mark WHATSAPP, *inter alia*:

- United States Trademark (word), Registration No. 3939463, registered on April 5, 2011;
- European Union Trade Mark (word), No. 009986514, registered October 25, 2011; and
- International Registration (word), Registration No. 1085539, registered May 24, 2011, designating numerous jurisdictions around the world.

Moreover, the Complainant holds figurative trademark registrations for its  under International Registration No. 1109890, registered January 10, 2012, designating multiple jurisdictions around the world (Annex 9 to the Complaint).

The Complainant also owns numerous domain names comprising the WHATSAPP mark, especially the domain name <whatsapp.com>, registered on September 4, 2008, under which its main website is available (Annex 7 to the Complainant).

Further, the Complainant has a strong presence online by being active on various social-media platforms (Annex 8 to the Complaint).

The disputed domain name was registered on January 15, 2024 (Annex 2 to the Complaint).

At the time of filing of the Complaint the disputed domain name <nawhatsapp.com> referred to a website offering an unauthorized modified version of the Complainant's application under the logo  and the mark WHATSAPP (Annex 10 to the Complaint).

The Respondent did not reply to a pre-Complaint notice (Annex 11 to the Complaint).

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 WHATSAPP trademark is famous and well known; it notes that the disputed domain name entirely incorporates such trademark; it only adds the prefix "na" and the letter "s" after the mark WHATSAPP under the generic Top Level-Domain ("gTLD") ".com" which does not prevent a finding of confusing similarity.

Further, the Complainant alleges that there is no relationship between the Complainant and the Respondent and it is not using the disputed domain name in connection with a bona fide offering of goods or services. Rather, the Respondent purported to offer for download unauthorized APK version of the Complainant's WhatsApp application using the Complainant's WHATSAPP trademark. Moreover, the Respondent violates the Complainant's WhatsApp Brand Assets and Guidelines.

The Complainant alleges that by making numerous references to the Complainant, as well as featuring modified versions of the Complainant's logo and figurative trademark, the Respondent's website suggests that it is affiliated with the Complainant, which is not the case.

Finally, the Respondent is not commonly known by the disputed domain name.

Because of the fame of the Complainant and its trademarks, the Complainant submits that the Respondent must have been aware of it when registering the disputed domain name. Moreover, the disputed domain name resolves to a website with offers for download unauthorized APK version of the Complainant's WhatsApp application under a very similar logo to the one of the Complainant and by using the Complainant's mark WHATSAPP. In doing so, the Respondent uses the disputed domain name to prominently display and reproduce – without authorization – the Complainant's various intellectual property, including the Complainant's WHATSAPP marks and mislead Internet users into believing that the Respondent's website is somehow affiliated with or otherwise endorsed by the Complainant, which it is not. This constitutes bad faith use under the Policy.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests with respect to 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 submitted evidence which incontestably and conclusively establishes rights in the mark WHATSAPP.

In the present case the disputed domain name is confusingly similar to the WHATSAPP mark in which the Complainant has rights since it only adds the letters "na" to the WHATSAPP mark and the letter "s" after the mark.

It has long been established under UDRP decisions that adding terms to a trademark, here, the mere addition of the prefix "na" and the letter "s" after the mark, does not prevent a finding of confusing similarity under the first element of the Policy, if the relevant trademark remains recognizable within the disputed domain name ([WIPO Overview 3.0](#), section 1.8).

Finally, it has also long been held that gTLDs are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. [WIPO Overview 3.0](#), section 1.11.

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.

While 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 often impossible 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. 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 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, since it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the WHATSAPP trademark in any manner. The Respondent did not reply and hence has not rebutted the Complainant’s contentions.

Further, the Complainant focuses on the fact that its trademark is famous and well known around the world and registered in a variety of jurisdictions around the world. The Complainant provided suitable evidence of its reputation, adding that it is inconceivable that the Respondent would not have been aware of this when registering the disputed domain name.

Moreover, given the composition of the disputed domain name, coupled with the use of the disputed domain name to resolve to a website that purported to offer for download unauthorized modified APK version of the Complainant’s WhatsApp application, while displaying a very similar logo to the one of the Complainant, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the disputed domain name.

Finally, the evidence in the Complaint does not reveal any disclaimer at the website accessible through the disputed domain name that would have disclosed the lack of the Respondent’s relationship with the Complainant, see [WIPO Overview 3.0](#), section 2.8; *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Rather, it appears the Respondent has purposely attempted to take unfair advantage of the Complainant’s mark.

The Respondent did not file a response and hence has not rebutted the Complainant’s contentions.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As stated in many decisions rendered under the Policy (e.g. *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain name is registered by the Respondent in bad faith, and
- the disputed domain name is being used by the Respondent in bad faith.

(i) In the present case, the Complainant provided evidence which demonstrates that it has rights and is the owner of the famous and well-known registered trademark WHATSAPP, registered and used in many jurisdictions around the world long before the disputed domain was registered.

Further, the Complainant registered and is using various domain names containing the mark WHATSAPP e.g., <whatsapp.com> among others, for many years; the Complainant has also a strong Internet presence on various social media platforms.

It is therefore inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith. [WIPO Overview 3.0](#), section 3.2.2.

This finding is supported by the fact that the disputed domain name incorporates the Complainant's trademark WHATSAPP entirely and merely adds the prefix "na" and a letter "s", and, notably, the use to which the disputed domain name has been put.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainant has put forward evidence that the disputed domain name was used by the Respondent to resolve to a website showing the Complainant's mark WHATSAPP and purported to offer for download unauthorized modified APK version of the Complainant's WhatsApp application, while displaying a very similar logo to the one of the Complainant.

This clearly disrupts the Complainant's business and shows that the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, which constitutes bad faith use.

The evidence and documents produced and put forward by the Complainant together with the fact that the Respondent did not react to the pre-Complaint notice and failed to file a Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain name further prove that the disputed domain name was registered and is used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

Based on the available record, 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 <nawhatsapp.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: November 28, 2025