

## ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. KOKO Kreativ

Case No. D2025-4472

### 1. The Parties

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

The Respondent is KOKO Kreativ, India.

### 2. The Domain Name and Registrar

The disputed domain name <whatsappx.pro> 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 October 30, 2025. On October 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 30, 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 October 31, 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 November 4, 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 November 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 26, 2025.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on December 1, 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 WhatsApp LLC, a United States-based technology company operating the widely known WhatsApp messaging and voice-over-IP service and mobile application. Founded in 2009 and acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2014. The Complainant also provides the WhatsApp Business application and the WhatsApp Business Platform, enabling small and large businesses to interact with customers efficiently through automated tools and programmatic access. The Complainant's platform is offered in approximately sixty languages and consistently ranks among the most-downloaded and most-used mobile applications globally. The Complainant owns numerous trademark registrations for the WHATSAPP trademark and operates, among others, the official domain name <whatsapp.com>, as well as multiple domain names incorporating the WHATSAPP trademark.

The Complainant has evidenced to be the registered owner of numerous trademarks relating to its company name and brand WHATSAPP, inter alia, but not limited to, the following:

- International Trademark Registration No. 1085539 for WHATSAPP, registered on May 24, 2011;
- United States Registration No. 3939463 for WHATSAPP, registered on April 5, 2011,
- Indian Trademark Registration No. 3111463 for WHATSAPP, registered on November 30, 2015.

The Complainant also operates the domain name <whatsapp.com>, registered on September 4, 2008, which resolves to the official website for its WhatsApp messaging platform.

The disputed domain name was registered on October 30, 2024.

Pursuant to Annex 11 of the Complaint, on October 22, 2025, the Complainant sent a contact request form to the Respondent via the Registrar's registrant contact form. No response was received.

According to the screenshots attached to the Annex 10 of the Complaint, the disputed domain name previously resolved to a website titled "B Live Business Apps" that appears to offer downloads for three different applications, namely:

- BrandsLive, described as an "Indian festival & business poster application" enabling users to create themed promotional posters;
- WhatsApp X Pro, marketed as "the ultimate WhatsApp mass messaging application", which claimed to permit large-scale, automated WhatsApp messaging; and
- Google Map Scraper, a data-extraction tool allegedly capable of scraping information from Google Maps.

However, at the time of the Panel's visit to the disputed domain name, the disputed domain name did not resolve to any such content. Instead, the browser displayed "Error 1001,DNS resolution error".

## 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;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name was registered and is being used in bad faith.

### B. Respondent

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

## 6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

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

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations provided in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views stated therein.

### A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. [WIPO Overview 3.0](#), section 1.2.1. In the present case, the Panel notes that the Complainant owns

registered WHATSAPP trademarks. Accordingly, the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy

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 3.0](#), section 1.7.

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.

It is well established by panels applying the Policy that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Similarly, the applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com") is viewed as a standard registration requirement and as such, is disregarded under the first element confusing similarity test (*H & M Hennes & Mauritz AB v. Donnie Lewis*, WIPO Case No. [D2017-0580](#)). In that regard, the Panel considers that the addition of "x" at the end of the disputed domain name and the gTLD ".pro" 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.

In this regard, several circumstances support the Complainant's prima facie showing:

- As evidenced in Annex 10, the Respondent's website purports to offer downloads of a third-party application that allegedly enables bulk messaging via WhatsApp. As such, the Respondent cannot be said to be using its website to offer the goods or services at issue, namely the WhatsApp application.
- The Respondent's website also promotes two other applications unrelated to WhatsApp, namely an Indian poster-making application and a Google Maps data-scraping tool. As such, the Respondent cannot be said to use its website to sell only the trademarked goods or services.
- In the absence of any disclaimer, the Respondent's website fails to accurately and prominently disclose its relationship with the Complainant.

- There is no evidence that the Respondent is commonly known by the disputed domain name. The underlying Whois information identifies the registrant as “KOKO Kreativ”, which bears no resemblance to the disputed domain name.
- The Respondent is not a licensee of the Complainant and has no affiliation, authorization, or relationship with the Complainant.
- Use of the Complainant’s well-known trademark to promote unauthorized derivative or modified versions of its products cannot constitute bona fide use or legitimate noncommercial use under paragraph 4(c)(i) or 4(c)(iii) of the Policy.
- Finally, the Respondent’s prominent use of a variation of the Complainant’s figurative trademark on its website, without any disclaimer clarifying the absence of a relationship with the Complainant, creates a misleading impression of association with the Complainant, for the Respondent’s own commercial gain. See *WhatsApp Inc., Facebook, Inc. v. Alex Xu, HKITN*, WIPO Case No. [D2019-1709](#).

The Respondent has provided no rebuttal or evidence of rights or legitimate interests. On the contrary, the record reflects clear targeting of the Complainant’s WHATSAPP trademark and an intent to mislead Internet users for commercial gain.

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 the Panel notes that the Complainant’s rights in the WHATSAPP trademark predate the registration date of the disputed domain name by years. In light of the above as well as of the well-known character of the WHATSAPP trademark, and of the composition of the disputed domain name, the Panel finds that it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant’s WHATSAPP trademark, which supports a finding of bad faith registration. [WIPO Overview 3.0](#), section 3.2.2. The Panel notes that the Complainant’s trademark WHATSAPP enjoys a worldwide reputation. It has been established in previous UDRP decisions that the registration of a domain name incorporating a widely recognized or well-known trademark by a third party who has no connection with the trademark can by itself suggest opportunistic bad faith. See *Pepsico, Inc. v. Domain Admin*, WIPO Case No. [D2006-0435](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#).

The Panel finds that the Respondent has registered and used the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. As evidenced in Annex 10, the Respondent’s website prominently reproduced variations of the Complainant’s WHATSAPP trademark and logo, and offered applications, including bulk-messaging tools, that seek to trade on the reputation of the Complainant’s platform. The absence of any disclaimer of affiliation further reinforces the likelihood that Internet users would be misled into believing that the Respondent’s website is operated, endorsed, or authorized by the Complainant.

Prior UDRP panels have consistently held that the use of domain names to distribute bulk-messaging or modified WhatsApp related software constitutes bad-faith targeting of the Complainant and its users. See, e.g., *WhatsApp LLC v. Bulk Whatsapp Software*, WIPO Case No. [D2021-0564](#); *WhatsApp Inc. v. Domain Data Guard / Hendro Wardoyo, Whatsapp Extra*, WIPO Case No. [D2019-1710](#).

In light of these circumstances, the Panel concludes that the Respondent intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s WHATSAPP trademark, and has therefore engaged in bad faith registration and use of the disputed domain name.

Moreover, the Respondent's failure to respond to the notice sent by the Complainant through the Registrar contact form and to the current proceeding further supports the finding of bad faith.

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 <whatsappx.pro> be transferred to the Complainant.

*/Gökhan Gökçe/*

**Gökhan Gökçe**

Sole Panelist

Date: December 4, 2025