

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. vincent lai, ydmteck

Case No. D2025-4537

1. The Parties

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

The Respondent is vincent lai, ydmteck, China.

2. The Domain Names and Registrar

The disputed domain names <fmwhatsappk.app>, <gmwhats.app>, <mbwhats.app> are registered with Internet Domain Service BS Corp. (the “Registrar”).

3. Procedural History

The Complaint initially involving one disputed domain name was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 3, 2025. On November 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 5, 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, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 10, 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 21, 2025, adding two more disputed domain names into the current proceedings. On November 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 3, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed in the amended Complaint as the registrant and providing the contact details. The Complainant filed a second amended Complaint on December 8, 2025.

The Center verified that the Complaint together with the amended Complaints 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 December 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 5, 2026.

The Center appointed Edoardo Fano as the sole panelist in this matter on January 12, 2026. 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a) "to employ reasonably available means calculated to achieve actual notice to [the] Respondent". Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules and the Supplemental Rules and without the benefit of a Response from the Respondent.

The language of the proceeding is English, being the language of the Registration Agreements, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is WhatsApp LLC, a United States technology company providing one of the world's most popular mobile messaging applications, founded in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) in 2014, owning several trademark registrations for WHATSAPP, among which:

- United States Trademark Registration No. 3939463 for WHATSAPP, registered on April 5, 2011;
- European Union Trademark Registration No. 009986514 for WHATSAPP, registered on October 25, 2011;
- International Trademark Registration No. 1085539 for WHATSAPP, registered on May 24, 2011;
- International Trademark Registration No. 1109890 for the figurative logo  registered on January 10, 2012.

The Complainant also owns trademark registrations for WHATS, among which:

- European Union Trademark Registration No. 017923676, WHATS, registered on March 8, 2019.

The Complainant operates on the Internet at several websites, among which "www.whatsapp.com", "www.whatsapp.net", "www.whatsapp.org", "www.whatsapp.biz", and "www.whatsapp.info", as well as many country code extensions.

The Complainant provided evidence in support of the above.

The disputed domain names were registered on the following dates: <fmwhatsappk.app> on May 9, 2023, <gmwhats.app> on March 29, 2023 and <mbwhats.app> on March 22, 2023. The disputed domain name <fmwhatsappk.app> resolves to a website titled "FM WhatsApp" that purports to offer for download an unauthorized modified APK version of the WhatsApp application that offers additional features that are not offered on the Complainant's WhatsApp application. The disputed domain names <gmwhats.app> and <mbwhats.app> are currently inactive, although the disputed domain name <gmwhats.app>, until on or

around May 26, 2024, resolved to a website titled “GM WhatsApp”, while the disputed domain name <mbwhats.app>, until on or around April 14, 2024, resolved to a website titled “MB WhatsApp”, and both websites purported to offer for download modified APK versions of the WhatsApp application. All the disputed domain names resolve(d) to websites that more or less feature(d) a green and white color scheme that is similar to the Complainant’s color scheme, as well as the Complainant’s trademark WHATSAPP and modified versions of the Complainant’s logo and figurative trademark, including favicons.

On September 9, 2025, the Complainant’s representatives sent a cease-and-desist letter to the Respondent via email in relation to the disputed domain name <fmwhatsapp.app>, without receiving any reply.

The Respondent was named as the respondent in the case *WhatsApp LLC v. vincent lai, yh tec*, WIPO Case No. [D2024-2974](#), in which the panel ordered the transfer of the disputed domain name to the Complainant.

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 states that the disputed domain names are confusingly similar to its trademarks WHATS and WHATSAPP, as they are visually and phonetically similar to the latter.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names since it has not been authorized by the Complainant to register the disputed domain names or to use its trademark within the disputed domain names, it is not commonly known by the disputed domain names and it is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain names. The disputed domain names resolve(d) to websites that purportedly offer for download unauthorized modified APK versions of the Complainant’s WhatsApp application, prominently displaying the Complainant’s trademark WHATSAPP as well as modified versions of the Complainant’s logo and figurative trademark, and featuring a green and white color scheme similar to that used by the Complainant, in breach of the Complainant’s WhatsApp Terms of Service.

The Complainant submits that the Respondent has registered the disputed domain names in bad faith, since the Complainant’s trademark WHATSAPP is renowned throughout the world in connection with an instant messaging application for mobile devices. Therefore, the Respondent targeted the Complainant’s trademark at the time of registration of the disputed domain names and the Complainant contends that the use of the disputed domain names to attract, for commercial gain, Internet users to the Respondent’s websites, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s websites, qualifies as bad faith registration and use.

Finally, the Complainant asserts that the promotion of unauthorized modified APK versions of the WhatsApp application not only violates the WhatsApp Terms of Service, but also places the security of WhatsApp users at risk, and that the absence of disclaimers on the Respondent’s websites to clarify the Respondent’s lack of relationship with the Complainant further adds to the confusion, constituting additional evidence of the Respondent’s bad faith conduct.

B. Respondent

The Respondent has made no reply to the Complainant’s contentions and is in default. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the default have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) section 4.3.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

- (i) the disputed domain names are 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 disputed domain names; and
- (iii) the disputed domain names have been registered and are 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 names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 Panel finds the marks WHATSAPP and WHATS are recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the disputed domain names are not an exact replication of the Complainant’s WHATSAPP trademark, the content of the associated websites affirms the Respondent’s intent to cause confusion with the Complainant’s trademark and, thus, confirms the Panel’s finding of confusing similarity. Although the content of the website associated with a domain name is usually disregarded by UDRP panels when assessing confusing similarity, in some instances UDRP panels have taken note of the content of the website to confirm confusing similarity where it appears *prima facie* that the respondent seeks to target a trademark through the disputed domain name. [WIPO Overview 3.0](#), section 1.15.

While the addition of other letters, here the combination of “fm”, in the disputed domain name <fmwhatsapp.app>, followed by the typo of the relevant mark, and the combination of “gm” and “mb” respectively in the other two disputed domain names, may bear on assessment of the second and third elements, the Panel finds the addition of such letters 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.

While it is also well accepted that a generic Top-Level Domain (“gTLD”), in this case “.app”, is typically ignored when assessing the similarity between a trademark and a domain name ([WIPO Overview 3.0](#), section 1.11.1.), where the applicable TLD and the second-level portion of the disputed domain name in combination contain the relevant trademark, like in this case as regards the disputed domain names <gmwhats.app> and <mbwhats.app>, panels may consider the disputed domain name in its entirety for purposes of assessing confusing similarity. [WIPO Overview 3.0](#), section 1.11.3.

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.

While the overall burden of proof in UDRP proceedings is on the complainant, UDRP 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 names. 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 present 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. All the disputed domain names resolve(d) to websites that purportedly offer for download unauthorized modified APK versions of the Complainant’s WhatsApp application, prominently displaying the Complainant’s trademark WHATSAPP and modified versions of the Complainant’s logo and figurative trademark, and more or less featuring a green and white color scheme similar to that used by the Complainant. 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.

Should the Respondent be providing a genuine service, the question that would arise is whether the Respondent is doing so in a manner that unfairly capitalizes on the Complainant’s mark and gives the wrong impression to users that it is somehow authorized to do so by the Complainant. In terms of the [WIPO Overview 3.0](#), this is summarized as follows: “where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.” [WIPO Overview 3.0](#), section 2.5.1.

Here, it is clear that the Respondent seeks to invoke the Complainant’s mark. From inspection of the Respondent’s websites, the Panel notes the prominent display of the Complainant’s trademark and modified versions of the Complainant’s logo on the homepages, and could not find any disclaimers as to their lack of relationship with the Complainant.

The Panel therefore concludes that the disputed domain names are not being used in connection with a bona fide offering of goods or services.

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.

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.

In the present case, regarding the registration in bad faith of the disputed domain names, the reputation of the Complainant’s trademark WHATSAPP in the field of instant messaging applications for mobile devices is clearly established and the Panel finds that the Respondent knew of the Complainant and deliberately registered the disputed domain names due to the likelihood of confusion with the Complainant’s mark, especially because the disputed domain names resolve(d) to websites that purportedly offer for download unauthorized modified APK versions of the Complainant’s WhatsApp application, prominently displaying the Complainant’s trademark WHATSAPP as well as modified versions of the Complainant’s logo and figurative trademark, and more or less featuring a green and white color scheme similar to that used by the

Complainant.

The Panel further notes that the Respondent is trying to attract, for commercial gain, Internet users to its websites, with the purpose of intentionally attempting to create a likelihood of confusion with the Complainant's trademark as to the disputed domain names' source, sponsorship, affiliation or endorsement, an activity clearly detrimental to the Complainant's business. [WIPO Overview 3.0](#), sections 3.1.4 and 3.4.

As regards the current use of the disputed domain names <gmwhats.app> and <mbwhats.app>, being inactive, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the record, the Panel notes the reputation of the Complainant's trademark in the field of instant messaging applications for mobile devices, the prior use of the disputed domain names and the failure of the Respondent to submit a Response or provide any explanation for its motivations in registering the disputed domain names, and finds that in the circumstances of this case, the passive holding of the disputed domain names do 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 <fmwhatsappk.app>, <gmwhats.app> and <mbwhats.app> be transferred to the Complainant.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: January 16, 2026