

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC v. Zeeshan Ali  
Case No. D2025-4709

### **1. The Parties**

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

Respondent is Zeeshan Ali, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <goldwhatsapk.net> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 13, 2025. On November 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 17, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 Complainant on November 17, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 21, 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 Respondent of the Complaint, and the proceedings commenced on November 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 15, 2025.

The Center appointed Dinant T. L. Oosterbaan as the sole panelist in this matter on December 17, 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**

According to the information provided in the Complaint, Complainant is a provider of 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, Complainant's app allows users across the globe to exchange messages for free via smartphones, including iPhone and Android.

Complainant owns multiple trademarks for WHATSAPP and WHATS in many jurisdictions throughout the world, including the following:

- Pakistani Trade Mark Registration No. 302143, WHATSAPP, registered on May 27, 2011;
- United States Trademark Registration No. 3939463, WHATSAPP, registered on April 5, 2011;
- European Union Trade Mark No. 009986514, WHATSAPP, registered on October 25, 2011;
- International Registration No. 1085539, WHATSAPP, registered on May 24, 2011;
- European Union Trade Mark No. 017923676, WHATS, registered on March 8, 2019;
- United Kingdom Trade Mark No. UK00917923676, WHATS, registered on March 8, 2019.

Complainant also holds figurative trademark registrations for its distinctive telephone logo, including:

- International Registration No. 1109890, registered on January 10, 2012.

In addition, Complainant is the registrant of numerous domain names consisting of its WHATSAPP trademark under a wide range of generic Top-Level Domains ("gTLDs") and country code Top-Level Domains ("ccTLDs").

The Domain Name was registered on March 25, 2024.

The Domain Name resolves to a website that offers for download a modified Android Package Kit ("APK") version of the WhatsApp application called "Gold WhatsApp APK".

The trademark registrations of Complainant were issued prior to the registration of the Domain Name.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is confusingly similar to its trademarks. The Domain Name incorporates dominant elements of Complainant's WHATSAPP trademark, as well as the WHATS trademark in its entirety, with the addition of the dictionary term "gold" and the acronym "apk". The fact that the dominant element of Complainant's WHATSAPP trademark and the entire WHATS trademark are recognizable in the Domain Name is sufficient to establish confusing similarity between the Domain Name and Complainant's trademarks.

Complainant submits that the Respondent has no rights or legitimate interests in the Domain Name. Respondent is not a licensee of Complainant. Respondent is not affiliated with Complainant in any way nor

has Complainant authorized Respondent to make any use of its WHATSAPP and WHATS trademarks, in a domain name or otherwise. Respondent cannot legitimately claim to be commonly known by the Domain Name.

According to Complainant the Domain Name is being used to offer for download an unauthorized, modified APK version of Complainant's WhatsApp application. Prior panels have recognized that resellers or service providers using a domain name containing a third-party trademark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name. Whether or not this is the case may be measured against the list of factors set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("the Oki Data criteria").

Complainant submits that Respondent cannot be viewed as a bona fide service provider, as it does not provide sales or repairs in relation to a product provided by Complainant. Even if one is to apply the Oki Data criteria, Respondent fails to fulfil several of the Oki Data criteria, specifically:

(i) Respondent's website purports to offer for download a third-party unauthorized version of Complainant's WhatsApp application. As such, Respondent cannot be said to be using the Domain Name to offer the goods or services at issue, namely the WhatsApp application;

(iii) Respondent's website fails to prominently disclose its relationship with Complainant given that the disclaimer as to lack of affiliation with Complainant ("Gold WhatsApp is not developed or maintained by Meta (the company behind WhatsApp)") is not prominently displayed on its website. Rather, by featuring the modified version of Complainant's distinctive logo, and making explicit reference to the WHATSAPP trademark, Respondent's website may mislead Internet users into thinking that Respondent's website and services provided therein are endorsed or otherwise permitted by Complainant, which is not the case.

Furthermore, Respondent's website features Complainant's WHATSAPP trademark and a logo and favicon that are very similar to Complainant's WhatsApp logo and figurative trademark to promote the downloading of a third-party modified version of Complainant's WhatsApp application. Prior UDRP panels have found that the use of modified versions of the WhatsApp telephone logo contributes to a risk of affiliation with Complainant and confusion and does not support a claim of bona fide use.

Finally, Complainant submits that Respondent's use of the Domain Name to purport to offer for download an unauthorized modified version of Complainant's WhatsApp application does not amount to legitimate noncommercial or fair use. Complainant concludes that Respondent lacks rights or legitimate interests in the Domain Name.

Complainant submits that the Domain Name has been registered and is being used in bad faith. According to Complainant's its WHATSAPP trademark is inherently distinctive and well known throughout the world in connection with its messaging application, having been continuously and extensively used since the respective launching of its services, and acquiring considerable reputation and goodwill worldwide, including in Pakistan where Respondent is located. Given Complainant's renown and goodwill worldwide and its trademark rights in various jurisdictions in the world, Respondent could not credibly argue that it did not have knowledge of Complainant's WHATSAPP trademark when it registered the Domain Name in March 2025. Complainant therefore submits that Respondent registered the Domain Name, not only with full knowledge of Complainant's rights, but also with the intent to attract Internet users to Respondent's website for the promotion of an unauthorized modified version of Complainant's WhatsApp application, in bad faith.

Noting the confusing similarity between the Domain Name and Complainant's WHATSAPP trademark, together with the content of Respondent's website, which features prominent reference to Complainant and a modified version of its WhatsApp logo and figurative trademark, Internet users are likely to be misled into believing that Respondent's website is somehow affiliated with or otherwise endorsed by Complainant, which is not the case. Prior UDRP panels have found that the use of a domain name to mislead Internet users in this way constitutes evidence of bad faith.

## **B. Respondent**

Respondent did not reply to Complainant's contentions

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Paragraph 4(a) of the Policy requires that a complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

- (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 in respect of 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.

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 entirety of the WHATS mark and the dominant part of the WHATSAPP trademark are reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the addition of the terms “gold” and “apk” to the WHATS trademark, and the addition of the term “gold” and the replacement of the last letter “p” of the WHATSAPP trademark by the letter “k” in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The gTLD “.net” is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

Complainant has stated it has not authorized or otherwise permitted Respondent to make any use of its WHATSAPP and WHATS trademarks in association with the Domain Name. Based on the undisputed submission and evidence provided by Complainant, the Domain Name resolves to a website which offers for download an unauthorized, modified APK version of Complainant's WhatsApp application. On its website Respondent mentions: "Gold WhatsApp APK offers a gold-themed interface, advanced privacy features, and enhanced media sharing-perfect for users seeking more control and style". In the view of the Panel, the composition of the Domain Name and the content of the website under the Domain Name are inherently misleading and carry a risk of implied affiliation, which may mislead Internet users into believing that the Domain Name is associated with Complainant, contrary to the fact. Respondent is thus not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert Internet users or to tarnish the trademarks of Complainant.

In addition, Respondent has not acquired any trademark or service mark rights of the WHATSAPP and WHATS trademarks nor is Respondent affiliated with Complainant in any way.

The Panel does not consider such use of the Domain Name a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the Domain Name.

For the sake of completeness, the Panel finds that Respondent cannot be considered a service provider using a Domain Name that contains the WHATS and WHATSAPP trademarks who may be making a bona fide offering of goods and services and thus may have a legitimate interest in the Domain Name in accordance the Oki Data criteria. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) and [WIPO Overview 3.0](#), section 2.8. In particular, the website under the Domain Name provides only download services for WHATSAPP modified and unauthorized third-party content but does not use to Domain Name to provide goods or services with respect to Complainant's WhatsApp application. In addition, Respondent's website fails to prominently disclose its relationship with Complainant.

No formal Response to the Complaint was filed and Respondent has not rebutted Complainant's prima facie case.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel finds that the Domain Name has been registered and is being used in bad faith.

The WHATSAPP and WHATS trademarks of Complainant have been existing for some time and are well-known. The Panel notes that Complainant's registration of its trademarks predate the registration date of the Domain Name. Respondent knew or should have known that the Domain Name included the dominant feature of the WHATSAPP trademark, also widely known in Pakistan, and the entirety of Complainant's WHATS trademark. The construction of the website under the Domain Name offering Gold WhatsApp APK Downloads indicates that when registering the Domain Name, Respondent was fully familiar with Complainant and its trademarks.

The Panel notes that Respondent's use of the Domain Name providing Gold WhatsApp APK Downloads demonstrates that Respondent possibly registered the Domain Name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith in a similar manner to that provided under paragraph 4(b)(iv) of the Policy.

The Panel finds the third element of the Policy has been established.

## **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 <goldwhatsapk.net> be transferred to Complainant.

*/Dinant T. L. Oosterbaan/*

**Dinant T. L. Oosterbaan**

Sole Panelist

Date: December 31, 2025