

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Salmane El Idrissi Khizzioui
Case No. D2026-2917

1. The Parties

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

The Respondent is Salmane El Idrissi Khizzioui, Morocco.

2. The Domain Name and Registrar

The disputed domain name <whatsapp-api.app> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 2, 2026. On July 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 4, 2026, 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 (Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 6, 2026, 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 July 7, 2026.

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 July 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 29, 2026.

The Center appointed Anita Gerewal as the sole panelist in this matter on August 3, 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.

4. Factual Background

The Complainant operates one of the world's leading mobile messaging applications, WhatsApp. Established in 2009 and acquired by Meta Platforms, Inc. (formerly Facebook, Inc.) in 2014, WhatsApp enables users worldwide to send messages free of charge through smartphones, including both iPhone and Android devices. In addition to its mobile application, the service is accessible through its official website, "www.whatsapp.com", where users can access its messaging platform via the Internet. Since its introduction in 2009, WhatsApp has experienced remarkable growth, becoming one of the most widely used messaging applications globally. As of April 2025, the platform had more than 3 billion monthly active users worldwide.

The Complainant owns numerous trademark registrations for WHATSAPP in many jurisdictions throughout the world, including the following:

- United States Trademark Registration No. 3939463 for the word mark WHATSAPP in International class 42, registered on April 5, 2011;
- European Union Trademark Registration No. 009986514 for the word mark WHATSAPP in International classes 9, 38 and 42, registered on October 25, 2011; and
- International Registration No. 1085539 for the word mark WHATSAPP in International classes 9 and 38, registered on May 24, 2011.

The Complainant is also the owner of numerous domain names comprising its WHATSAPP trademark, under various generic Top-Level Domains ("gTLDs") as well as under many country code Top-Level Domains ("ccTLDs").

The disputed domain name was registered on March 28, 2025, and, prior to the filing of the Complaint, resolved to a website entitled "WASender", which purported to provide marketing services via WhatsApp, enabling users, inter alia, to send bulk messages and automate conversations. The disputed domain name currently does not resolve to an active website.

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 it has established trademark rights in WHATSAPP through numerous registrations across various jurisdictions. The disputed domain name incorporates the WHATSAPP mark in its entirety, followed by a hyphen and the term "api," an abbreviation for "application programming interface", and uses the ".app" gTLD. The addition of "-api" does not prevent confusing similarity because the WHATSAPP mark remains recognizable within the disputed domain name, while the ".app" gTLD is generally disregarded in the first element assessment under the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"). Accordingly, the Complainant submits that the disputed domain name is confusingly similar to its WHATSAPP trademark under paragraph 4(a)(i) of the Policy.

The Complainant also contends that the Respondent has no authorization, license, or affiliation with the Complainant and therefore has no legitimate rights or interests in the disputed domain name. Although service providers may, in certain circumstances, establish a bona fide offering under the Oki Data criteria (citing *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), the Respondent failed to satisfy these requirements because its website promoted unauthorized WhatsApp-based marketing services, including bulk messaging and automation, rather than the Complainant's actual WhatsApp application, and did not prominently disclose its lack of affiliation with the Complainant. Instead, the prominent use of the WHATSAPP trademark created a misleading impression of an association with the Complainant and was intended to attract Internet users for commercial gain. The Respondent was also not commonly known by the disputed domain name and was not making legitimate noncommercial or fair use of it. Moreover, the promoted services could facilitate spam, phishing, or other unauthorized activities and potentially breached WhatsApp's terms of service. Accordingly, the Complainant contends that the Respondent's use of the disputed domain name was neither bona fide nor legitimate, but rather an attempt to exploit the goodwill and reputation of the WHATSAPP trademark by creating a false impression of affiliation.

The Complainant submits that the Respondent registered and used the disputed domain name in bad faith, with actual knowledge of the well-known WHATSAPP trademark and without authorization. The Respondent's website prominently referenced the WHATSAPP mark and offered unauthorized paid WhatsApp marketing services, including bulk messaging and conversation automation, thereby creating a misleading impression that the website was affiliated with or endorsed by the Complainant. The absence of a disclaimer further increased this confusion, while the use of a proxy service to conceal the Respondent's identity and failure to respond to the Complainant's abuse notice provided additional evidence of bad faith. The services promoted through the disputed domain name could also facilitate spam, phishing, or other unauthorized activities and potentially violate WhatsApp's terms and policies. Accordingly, the Complainant argues that the Respondent intentionally used the disputed domain name to attract Internet users for commercial gain by exploiting the goodwill and reputation of the WHATSAPP trademark, and that the subsequent cessation of the website does not cure the Respondent's bad-faith conduct.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) The disputed domain name is identical or confusingly similar to the 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 name; and
- (iii) The 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 3.1](#), section 1.7.

The Complainant has shown rights in respect of the WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

[Although the addition of, a hyphen and the term “api” in this case, may bear on assessment of the second and third elements, the Panel finds that such additions do not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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 3.1](#), section 2.1.

The Panel finds that there is no evidence before the Panel that the Respondent is affiliated with, licensed by, or otherwise authorized by the Complainant to use the WHATSAPP trademark, nor is there any evidence that the Respondent is commonly known by the disputed domain name. Moreover, the disputed domain name previously resolved to a website purportedly offering marketing services via WhatsApp whereby enabling users, inter alia, to send bulk messages and automate conversations. In the Panel’s view, such use cannot constitute a bona fide offering of goods or services, as it seeks to capitalize on the Complainant’s trademark in view of the risk of implied affiliation and user confusion arising from the composition of the disputed domain name. The Panel further considers that the Respondent’s use does not satisfy the applicable criteria under the Oki Data test.

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 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 3.1](#), section 3.2.1.

In the present case, the Panel notes that the disputed domain name incorporates the Complainant's distinctive and well-known WHATSAPP trademark in its entirety together with the term "api", likely meaning "application programming interface", and the evidence indicates that the Respondent's website prominently displayed the Complainant's trademark. In the circumstances, the Panel considers it more likely than not that the Respondent was aware of the Complainant and its trademarks when registering the disputed domain name. The Panel finds that the Respondent's use of the disputed domain name was intended to take commercial advantage of the reputation of the WHATSAPP trademark by attracting Internet users to a website offering unauthorized services and thereby creating a misleading impression of association or affiliation with the Complainant. The absence of any disclaimer reinforces the likelihood of confusion as to the source, sponsorship, or affiliation of the website. Accordingly, the Panel concludes that the disputed domain name was registered and is being used in bad faith. The current use of the disputed domain name to resolve to an inactive page does not prevent this finding.

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 <whatsapp-api.app> be transferred to the Complainant.

/Anita Gerewal/

Anita Gerewal

Sole Panelist

Date: August 18, 2026