

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Fast Marketing, Fast Marketing S.A.S
Case No. D2026-3116

1. The Parties

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

The Respondent is Fast Marketing, Fast Marketing S.A.S, Argentina.

2. The Domain Name and Registrar

The disputed domain name <whatsappeable.com> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 15, 2026. On July 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (Redacted For Privacy Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 22, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 16, 2026. The Respondent sent email communications to the Center on July 27 and 29, 2026.

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on August 25, 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 is the provider of the mobile messaging application WHATSAPP, which allows users across the globe to exchange messages for free via smartphones, including iPhone and Android.

The Complainant owns a large portfolio of WHATSAPP marks registered in different jurisdictions. By way of example:

- United States Patent and Trademark Office, with registration No. 3939463, registered on April 5, 2011.
- European Union Intellectual Property Office, with registration No. 009986514, registered on October 25, 2011.
- Argentinian Trademark Registration No. 3459956, registered on December 28, 2017.

Moreover, the Complainant holds WHATSAPP as an international registration with registration number 1085539, registered on May 24, 2011, and designating various jurisdictions worldwide.

The disputed domain name was registered on April 6, 2026, and resolved at the time of the filing of this Complaint to a web page offering paid subscriptions for software enabling WhatsApp users to engage in bulk messaging activity. At the time of this Decision, the disputed domain name no longer resolves to an active website.

The Complainant sent a cease-and-desist letter to the Respondent on June 15, 2026, via email and through the webform provided by the Registrar. However, no response was received before the Complaint was filed.

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 Respondent is making unauthorized use of the Complainant's trademark to market its own ancillary services and the Respondent's website does not prominently disclose its lack of a relationship with the Complainant. The Complainant submits that even if a prominent and clearly-worded disclaimer had been featured on the Respondent's website, it would not have been sufficient to cure the Respondent's illegitimate use of the disputed domain name.

The Complainant also alleges that the Respondent is making unauthorized use of the Complainant's WHATSAPP trademark in the disputed domain name in an attempt to drive Internet users to the Respondent's website, where they are prompted to purchase the Respondent's services. Therefore, this does not amount to a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

The Complainant also notes that the Respondent is not commonly known by the disputed domain name, nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name.

Regarding the third requirement, the Complainant highlights the distinctive and well-known character of WHATSAPP throughout the world in connection with its messaging application. In addition, the Respondent's website refers to the Complainant's trademark and uses similar color scheme, which altogether implies knowledge of the Complainant and its trademarks.

The Complainant also supports a finding of bad faith use and registration pursuant to paragraph 4(b)(iv) of the Policy.

On July 29, 2026, the Complainant rejected the transfer offer of the disputed domain name made by the Respondent and requested to obtain a full decision as the Respondent was given an opportunity to settle prior to this proceeding but did not do so.

B. Respondent

The Respondent did not reply to the Complainant's contentions but by email, as noted above, consented to transfer the disputed domain name without admission of liability, trademark infringement, or bad faith.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (i) the disputed domain name is 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 name; and
- (iii) the disputed domain name was 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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark 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.

The addition of "eable" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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.

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 notes that the Respondent’s terms and conditions contain a statement that “Mensajeable” is not an official provider of Meta and does not act on Meta’s behalf. The Panel also notes that none of the circumstances described in paragraph 4(c) of the Policy can be inferred from the file. In particular, the Respondent’s use of the disputed domain name for a commercial website offering bulk-messaging services for use with the Complainant’s application does not constitute a bona fide offering of goods or services. The website repeatedly refers to the WHATSAPP mark and promotes paid subscription plans associated with the Complainant’s service. While a statement of non-affiliation appears in the website’s terms and conditions, it is not prominently displayed and does not dispel the misleading impression created by the disputed domain name. Thus, the Respondent’s offering of ancillary services to WHATSAPP does not give rise to any rights or legitimate interests in the disputed domain name since it is taking advantage of the confusion caused by reproducing the Complainant’s trademark in the disputed domain name.

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.

The Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name due to their well-established reputation and distinctiveness, as well as the use of the disputed domain name, namely, to offer paid subscriptions for software that enables Internet users to automate the WhatsApp application and provides additional features, including bulk messaging. Therefore, the registration was in bad faith.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark. See paragraph 4(b)(iv) of 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 name <whatsappeable.com> be transferred to the Complainant.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: September 2, 2026