

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Rahul Phalke
Case No. D2026-3561

1. The Parties

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

The Respondent is Rahul Phalke, India.

2. The Domain Name and Registrar

The disputed domain name <onwhatsapp.com> (the "Disputed Domain Name") is registered with Hostinger operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 11, 2026. On August 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 14, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 14, 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 August 19, 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 amended Complaint, and the proceedings commenced on August 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2026. The Respondent sent several email communications to the Center on August 21, and 26, and September 1, 2026, and the Response was filed on August 26, 2026. Via the email sent on August 21, 2026 and as reiterated in the Response on August 26, 2026, the Respondent expressed its willingness to transfer the

Disputed Domain Name to the Complainant at no cost. The Center informed the Parties that the proceeding could be suspended to allow for an amicable settlement, but the Complainant declined the suspension and requested that the proceeding continue and a decision on the merits be issued.

The Center appointed Monica Novac as the sole panelist in this matter on September 21, 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 a US company which provides one of the world's most popular mobile messaging applications, namely "WhatsApp". Established in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) in 2014, it allows users across the globe to exchange messages for free via smartphones, including iPhone and Android. Since its launch in 2009, WhatsApp has become one of the fastest growing and most popular mobile applications in the world, with over 3 billion monthly active users globally (as of September 2026). According to applications information company Data.ai, WhatsApp was one of the most downloaded applications worldwide in 2025.

The Complainant is the owner of numerous trademark registrations for WHATSAPP in various jurisdictions, including the following:

- India Trademark Registration No. 2149059 WHATSAPP (word), registered on May 24, 2011, for goods and services in classes 9 and 38;
- European Union Trademark Registration No. 009986514 WHATSAPP (word), registered on October 25, 2011, for goods and services in classes 9, 38, and 42; and
- International Trademark Registration No. 1085539 WHATSAPP (word), registered on May 24, 2011, for goods and services in classes 9 and 38, designating several jurisdictions.

Previous UDRP panels have already recognized the well-known character of the WHATSAPP trademark.

The Complainant also holds figurative trademark registrations for its telephone logo, including India Trademark Registration No. 3996588 , registered on November 13, 2018, for services in class 44, and International Trademark Registration No. 1109890 , registered on January 10, 2012, for goods and services in classes 9 and 38, designating several jurisdictions.

Moreover, the Complainant owns and operates numerous domain names consisting of the WHATSAPP trademark, including the domain name <whatsapp.com> (registered on September 4, 2008), which is used for its official website.

The Respondent is reportedly located in India. The Respondent registered the Disputed Domain Name on April 28, 2026. On the date of filing the Complaint, as well as on the date of this Decision, when accessed by the Panel, the Disputed Domain Name resolves to a website which purports to offer services enabling users to send and receive information using pro-forma forms on WhatsApp through a free option, and also through various paid pricing packages. The website features the Complainant's WHATSAPP trademark and telephone logo, as well as a green color scheme similar to that used by the Complainant. The website also includes a disclaimer stating that "We are not affiliated with WhatsApp. WhatsApp is a trademark of Meta Platforms, Inc."

On June 15, 2026, the Complainant's lawyers sent a cease-and-desist letter to the Respondent using the email address available on the website at <onwhatsapp.com>, demanding, among others, the transfer of the Disputed Domain Name to the Complainant, at no cost. No reply was received from the Respondent to the cease-and-desist letter.

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 WHATSAPP trademark;
- the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- the Disputed Domain Name has been registered and is being used in bad faith.

B. Respondent

The Respondent filed a Response on August 26, 2026 (supplemented by email communications on August 21 and September 1, 2026). Without admitting any of the allegations, assertions, or legal conclusions contained in the Complaint, and without admitting liability or bad faith, the Respondent expresses its willingness to transfer the Disputed Domain Name to the Complainant. The Respondent does not seek any payment, reimbursement, damages, or other monetary relief from the Complainant.

6. Discussion and Findings

Although the Respondent has consented to the transfer of the Disputed Domain Name, the Complainant requested that the administrative proceeding continue and a decision on the merits be issued. In the circumstances of this case the Panel finds it appropriate to proceed to issue a Decision on the merits of the Complaint pursuant to the UDRP Policy and Rules.

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 entirety of the WHATSAPP trademark is reproduced within the Disputed Domain Name. The Panel finds that the WHATSAPP trademark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Disputed Domain Name also contains the term “on”, however the Panel finds that the addition of this element does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant’s trademark for the purposes of the Policy. According to the [WIPO Overview 3.1](#), section 1.8, 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.

According to the [WIPO Overview 3.1](#), section 1.11.1, the generic Top-Level Domain “.com” in the Disputed Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Further to all the above, 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.

It is accepted by the Panel that the Parties are not related in any way and that the Respondent is neither a licensee of the Complainant, nor has it ever been authorized by the Complainant to use the Complainant’s WHATSAPP trademark or to register this as domain name. There is also no evidence that the Respondent holds trademark rights in the names “whatsapp”, “onwhatsapp”, or other variations thereof.

The Panel finds that the Respondent is not commonly known by the Disputed Domain Name. The Respondent’s name is Rahul Phalke, which is different from the Disputed Domain Name. Although at the bottom of the website at the Disputed Domain Name it appears the name OnWhatsApp Technologies (an entity located in Madhya Pradesh, India), this cannot be sufficient, in itself, to establish the connection between the Respondent and said entity, or that the Respondent is commonly known by the Disputed Domain Name or by a name corresponding to the Disputed Domain Name for the purpose of the Policy. Moreover, as discussed further below, such choice appears intended to unfairly trade on the Complainant’s rights.

Note has been taken that the Disputed Domain Name resolves to a website which purports to offer services enabling users to send and receive information using pro-forma forms on WhatsApp through a free option, and also through various paid pricing packages. The website features the Complainant’s WHATSAPP trademark and telephone logo, as well as a green color scheme similar to that used by the Complainant.

It has been established that “a respondent’s use of a domain name will not be considered ‘fair’ if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often the central starting point to this inquiry”. [WIPO Overview 3.1](#), section 2.5.

The Panel considers that the composition of the Disputed Domain Name, coupled with its use, signals the Respondent's intention of taking unfair advantage of the Complainant's mark. Moreover, the Panel is of the opinion that the Respondent registered the Disputed Domain Name with the ultimate intent to mislead the Internet users and to erroneously make them believe that the Disputed Domain Name is operated by or associated with the Complainant.

In the Panel's view, the Respondent is trying to capitalize on the reputation and goodwill of the Complainant's trademark, and does not find such use to constitute a bona fide offering of goods or services. Furthermore, the Panel does not find any evidence of legitimate noncommercial or fair use. In this sense, the Respondent's website has a commercial nature, offering services against monthly subscriptions.

The Panel notes that the website at the Disputed Domain Name contains a disclaimer stating that "We are not affiliated with WhatsApp. WhatsApp is a trademark of Meta Platforms, Inc." However, a disclaimer does not cure a deceptive domain name and website structure if the overall impression falsely suggests an affiliation with the trademark owner. Given the composition of the Disputed Domain Name, as well as the layout and content of its corresponding website (as detailed above), the Panel finds the disclaimer to be entirely ineffective and a mere pretext. In the Panel's view, the overall facts and circumstances of the case do not support a claimed fair use or legitimate interest. [WIPO Overview 3.1](#), section 2.5.2.

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 Complainant registered and used its WHATSAPP trademark before the Respondent registered the Disputed Domain Name. In view of the worldwide presence of the Complainant, the well-known character and distinctiveness of the WHATSAPP trademark, the composition of the Disputed Domain Name, as well as its use, it is unlikely that the Respondent was not aware of the Complainant's trademark and business when registering the Disputed Domain Name.

Panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly, e.g., domain names incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith. [WIPO Overview 3.1](#), section 3.1.4.

The Panel considers that the Respondent targeted the Complainant when registering the Disputed Domain Name. Additionally, the Panel is of the opinion that the Respondent registered the Disputed Domain Name with the intent to confuse the Internet users looking for the Complainant, which supports a finding of bad faith on the part of the Respondent.

Having reviewed the totality of the evidence in this matter, the Panel considers that the circumstances of this case fall within the provisions of paragraph 4(b)(iv) of the Policy, which states that the use of a domain name to intentionally attempt “to attract, for commercial gain, Internet users to [the respondent’s] web site or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] web site or location or of a product or service on [the respondent’s] web site or location” is evidence of registration and use in bad faith. The Panel is of the opinion that the Respondent’s intention was to attract Internet users to the webpage at the Disputed Domain Name, by creating a likelihood of confusion and making them believe that said webpage is held, controlled by or related to the Complainant, for the Respondent’s commercial gain.

While the Respondent has included a disclaimer on the webpage at the Disputed Domain Name, the Panel finds that this does not cure the Respondent’s bad faith. On the contrary, the presence of the disclaimer demonstrates the Respondent’s full awareness of the Complainant’s trademark and business at the time of registration and use of the Disputed Domain Name. The Panel finds that the Respondent’s disclaimer fails to mitigate the confusion generated by the Disputed Domain Name and the website’s layout and content. Furthermore, the Panel notes that Internet users are inevitably lured to the website prior to encountering the non-prominent disclaimer. [WIPO Overview 3.1](#), section 3.7.

In its Response, the Respondent contends that it did not act in bad faith when registering and using the Disputed Domain Name. However, the Panel observes that the Respondent deliberately targeted the Complainant’s highly distinctive and well-known WHATSAPP trademark for commercial gain. Given these circumstances – specifically the unauthorized exploitation of a famous mark – the Respondent’s general assertions of good faith are insufficient to rebut a finding of bad faith under the Policy.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

Further to all the above, 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 <onwhatsapp.com> be transferred to the Complainant.

/Monica Novac/

Monica Novac

Sole Panelist

Date: October 1, 2026