

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Cesar Herrera
Case No. D2026-4257

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 Cesar Herrera, Peru.

2. The Domain Name and Registrar

The disputed domain name <whatsappmasivo.com> (the "Disputed Domain Name") is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 22, 2026. On September 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 23, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 September 26, 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 September 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 19, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on October 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 operates a messaging application business with over three billion monthly active users. The Complainant holds registrations for the trademark WHATSAPP in numerous jurisdictions, which it uses to designate computer applications, software programs, websites, databases, wireless communication, mobile information access and remote data management for wireless delivery of content to computers and smartphones. United States Registration No. 3,939,463, for the trademark WHATSAPP for example, cites a first-use date of February 24, 2009, and was registered on April 5, 2011. International Registration No. 1085539, for the mark WHATSAPP, was registered on May 24, 2011, and Peruvian Registration No. T00004569, for the mark WHATSAPP, was registered on June 4, 2012. The Complainant also holds figurative trademark registrations for its telephone logo including Peruvian Registration No. S00103754 registered on October 31, 2017; and International Registration No. 1109890 registered on January 10, 2012.

The Complainant owns numerous domain names that comprise of, or contain, the trademark WHATSAPP, including the domain name <whatsapp.com>, and has from 2009 operated an active website as an online resource that allows Internet users around the world to access its messaging platform and to support its mobile communications app.

The Disputed Domain Name was registered on September 24, 2024, and resolved to a Spanish-language website entitled “Multienvíos WSP” (“the Respondent’s website”), which purports to offer bulk messaging services through the WhatsApp desktop application, either free of charge (subject to usage limits) or under a Pro licence priced at USD 39, offering unlimited bulk messaging and additional features. The website advertises its service with the statement: “Harness the power of Excel to send personalized messages to your WhatsApp contacts efficiently and in bulk, directly from your spreadsheet with WhatsApp Desktop”. The Respondent’s website contains multiple references to the Complainant’s WHATSAPP trademark and features its distinctive telephone logo. The Respondent’s website contained a discreet disclaimer at the very bottom of the page stating “WhatsApp is a registered mark of WhatsApp, Inc [the Complainant]. This template is not affiliated nor endorsed by WhatsApp, Inc.”. The Disputed Domain Name was later inactive.

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 cites its trademark registrations for the mark WHATSAPP, in numerous jurisdictions, as prima facie evidence of satisfying the threshold requirement of standing.

It submits that the Disputed Domain Name is confusingly similar to its trademark, because it is comprised of the WHATSAPP trademark followed by the dictionary term “masivo” (meaning “massive” in Spanish), under the generic Top-Level-Domain (“gTLD”) “.com”, and that this addition is not sufficient to prevent a finding of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because “[t]he Respondent is not a licensee of the Complainant. The Respondent is not affiliated with the Complainant in any way, nor has the Complainant authorized the Respondent to make any use of its WHATSAPP trademark, in a domain name or otherwise” and that none of the

circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules having regard to the prior use and distinctive nature of the Complainant's trademark, and advances the argument that "[t]he Complainant's 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 Peru". On the issue of use it contends "the Domain Name resolves to the Respondent's website offering paid WhatsApp bulk messaging services. Given the confusing similarity between the [Disputed] Domain Name and the Complainant's WHATSAPP trade mark, and the content of the Respondent's website, which prominently references the Complainant's WHATSAPP trade mark and features its distinctive telephone logo and variations of that logo, Internet users are likely to be misled into believing that such service provided on the Respondent's website is somehow affiliated with or otherwise endorsed by the Complainant, which is not the case".

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that 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 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. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any jurisdiction. [WIPO Overview 3.1](#), section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark WHATSAPP in numerous jurisdictions.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the WHATSAPP trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) the Complainant's trademark WHATSAPP; (b) followed by the word "masivo"; (c) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "whatsappmasivo".

The Panel finds that the entirety of the mark is reproduced within that 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 the word “masivo” may bear on assessment of the second and third elements, the Panel finds the addition of those letters 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 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 Disputed 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 the evidence that the Disputed Domain Name resolved, for a period of time, to a “website [that] purports to offer third-party bulk WhatsApp messaging services.” In this regard, the Panel finds that the Respondent’s conduct does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the evidenced reputation and goodwill of the Complainant’s mark and the Disputed Domain Name’s capacity to otherwise mislead Internet users noting its composition, which carries a risk of implied affiliation with the Complainant. The Panel also finds that the small disclaimer placed at the very bottom of the Respondent’s website and which is likely to go unnoticed by Internet users, does not diminish such risk. Therefore, the Panel finds that the Respondent lacks rights or legitimate interests on the Disputed Domain Name.

The Panel finds the second element of the Policy has been established for the Disputed Domain Name.

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 finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name and the distinctive nature of the Complainant's trademark, the Panel is satisfied that the Respondent knew of and targeted the Complainant's trademark WHATSAPP when it registered the Disputed Domain Name.

In addition, this Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Name other than to trade off the reputation and goodwill of the Complainant's well-known trademark. [WIPO Overview 3.1](#), section 3.1.4.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name resolved to a website that, it submits, displays content "which prominently references the Complainant's WHATSAPP trademark and features its distinctive telephone logo and variations of that logo".

The Complainant supplied evidence of the website and the Panel finds it contains confusingly similar elements. The Panel accepts that the display by the Respondent on its website of the Complainant's trademarks, and text referring to the Complainant would be likely to compound the confusion. In the circumstances, the Panel finds the Respondent has registered and used the Disputed Domain Name in an attempt to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement and, as such, the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

There is also evidence that the Disputed Domain Name was later inactive. However, the later inactivity of the Disputed Domain Name does not preclude a finding of bad faith noting the prior documented use.

Moreover, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the Complainant's well-known WHATSAPP trademark, the composition of the Disputed Domain Name, and the Respondent's failure to provide any evidence of actual or contemplated good-faith use and finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy. In the circumstances, the Panel so finds.

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 <whatsappmasivo.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: October 23, 2026