

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Noam Cohen
Case No. DAI2025-0038

1. The Parties

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

The Respondent is Noam Cohen, Israel, self-represented.

2. The Domain Name and Registrar

The disputed domain name <whatsapp.ai> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 30, 2025. On July 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 2025, 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, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 4, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Respondent requested information about the proceeding the proceeding on August 4, 2025. The Complainant filed an amended Complaint on August 7, 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 the Respondent of the Complaint, and the proceedings commenced on August 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2025.

Following the Respondent's request, the Center granted the automatic extension of four days, i.e., to September 4, 2025. Later, the Respondent requested a further extension of ten days. The Center granted a further extension to September 8, 2025.

The Response was filed with the Center on September 8, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on September 15, 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.

On October 1, 2025, the Panel issued Procedural Order No. 1 ("PO1") inviting (a) the Respondent to supply the missing "Appendix A" to its Response and (b) the Complainant to comment thereon. The Respondent and Complainant filed submissions in response to PO1 on October 6 and 10, 2025, respectively. The Panel refers to such submissions below insofar as the Panel considers them relevant to its decision.

4. Factual Background

The Complainant operates the well-known WHATSAPP mobile messaging app, launched in 2009. In August 2024, it had over 2.9 billion monthly active users worldwide.

The Complainant owns many registered trade marks for WHATSAPP including United States Registration No. 3939463, registered on April 5, 2011, in class 42.

The Complainant operates a website at "www.whatsapp.com".

The disputed domain name was registered on December 16, 2017.

As of August 13, 2024, the disputed domain name resolved to a GoDaddy parking page offering the disputed domain name for sale at USD 7,000 and providing a contact email address.

As at October 3, 2024, the disputed domain name resolved to a website branded "WhatsApp.ai" plus the strapline "Discover What Apps Are Using AI in the World Today", followed by a list of apps such as "GPT-4" with a brief description of each.

On June 5, 2025, the Complainant sent a legal letter to the email address shown on the August 13, 2024, version of the site, and also via a form on the website. On June 20, 2025, a law firm responded on behalf of the recipient of the email, saying that their client acquired the disputed domain name in July 2024 and transferred it to a third party 38 days later, and that their client did not use the disputed domain name during its period of ownership.

As of July 30, 2025, when the Complaint was filed, the disputed domain name resolved to an inactive web page that stated: "WhatsApp AI Coming soon..."

As of August 7, 2025, the disputed domain name resolved to a website featuring the text "LANTA LABS Security Research Firm".

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's usage of the disputed domain name for a purported information site about apps using AI, and in connection with "LANTA LABS", were contrived in order to try and legitimise the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that:

- The Respondent registered the disputed domain name to build a non-commercial informational site entitled "What's App (AI)?", a play on the phrase "what's up?", cataloguing and commenting on applications that use AI, not just the Complainant's "WhatsApp" product;
- the disputed domain name is intended for referential, nominative, and editorial use, not to impersonate the Complainant or trade on its goodwill;
- where a domain name is used, or credibly prepared to be used, for such purposes, panels can assess the broader context including the actual/planned content, disclaimers and commerciality;
- here, the planned site features a prominent, above-the-fold disclaimer confirming lack of affiliation with the Complainant;
- the planned homepage opens with the statement: "Independent, non-commercial directory & commentary about applications that use artificial intelligence. Not affiliated with WhatsApp or Meta";
- the Respondent has taken positive steps to avoid automated pay per click ("PPC") links, by using a simple "coming soon" page while building content;
- Respondent has made credible demonstrable preparations to use the disputed domain name by "actively preparing and publishing non-commercial editorial content and taxonomy for an AI app directory under this name" as shown by Appendix A;
- the ".ai" Top-Level Domain ("TLD") is also relevant as it is widely associated with artificial intelligence, not the Complainant's brand, i.e., it supports a referential AI-context use of the string "whats app" in a "What's App (AI)?" sense;
- there is no risk of implied affiliation/confusion due to: the Respondent's title and editorial framing ("What's App (AI)?"); the prominent non-affiliation disclaimer; the lack of Complainant logos or trade dress; coverage of many AI apps, not just WhatsApp; and no commercial activity;
- the Complainant acknowledges its mark is a pun on "what's up?" and, in a AI context, "What's App (AI)?" is a natural and legitimate linguistic ambiguity, especially combined with noncommercial intent and disclaimers;
- the Respondent did not register the disputed domain name for sale to the Complainant or to attract users for commercial gain;
- passive holding only supports bad faith after weighing the circumstances, which here favour the Respondent for reasons given above;
- the Respondent is willing to promptly provide any additional evidence sought by the Panel, e.g. a home page screenshot or server records confirming the disputed domain name has not been used for PPC links; and
- the Respondent is willing to maintain prominent disclaimers and limit the site to noncommercial editorial content about AI applications in future.

6. Discussion and Findings

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 recognised 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 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.

Panels tend to assess respondent rights or legitimate interests in the present, i.e., with a view to the circumstances prevailing at the time of the filing of the complaint. [WIPO Overview 3.0](#), section 2.11.

As to paragraph 4(c)(i) of the Policy, the disputed domain name was not being used for a bona fide offering of goods or services at the time of filing of the Complaint as it simply resolved to a web page stating: "WhatsApp AI Coming soon..."

In any case, as discussed in detail under the third element below, the Panel considers that none of the Respondent's other uses of the disputed domain name constitute bona fide offerings of goods or services and, furthermore, that the Respondent has failed to establish demonstrable preparations for future good faith use of the disputed domain name per paragraph 4(c)(i) of the Policy and WIPO Overview, section 2.2.

The Panel also notes that the disputed domain name carries a high risk of implied affiliation as it is identical to the Complainant's well-known trade mark. [WIPO Overview 3.0](#), section 2.5.1.

Furthermore, there is no evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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

C. Registered and Used 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 3.0](#), section 3.2.1.

The Panel notes the following.

First, the Respondent does not deny that it was aware of the Complainant's mark at the time of acquisition of the disputed domain name; nor indeed could it plausibly have done so, given the mark's worldwide fame.

Second, the Response focuses on alleged demonstrable preparations to use the disputed domain name as set out in "Appendix A". However: Appendix A consists of additional submissions, rather than dated evidence of bona fide pre-Complaint preparations. Furthermore, the Appendix describes a proposed AI-related app listing website that appears to be no more than an updated version of the Respondent's former actual app listing site (see section 4 above) – which the Respondent does not clearly address in the Response.

The inclusion of an alleged intended disclaimer in Appendix A only reinforces the absence of such a disclaimer in the previous website. In any case, the mere existence of a disclaimer cannot cure bad faith where, as here, the overall circumstances point to bad faith. Indeed, the Panel considers that the Respondent's alleged proposed use of a disclaimer amounts to an admission that users may be confused. [WIPO Overview 3.0](#), section 3.7. Overall, the Panel considers that the former app listing website was designed to try and legitimise the disputed domain name, and that Appendix A was a further defensive move in response to the Complaint rather than evidence of bona fide and legitimate plans to use the disputed domain name.

Third, the Respondent claims that the disputed domain name is a word play on the phrase "what apps use AI?" – and indeed the Respondent's previous website bore the strapline "Discover What Apps Are Using AI in the World Today". The Respondent justifies the composition of the disputed domain name by claiming that the Complainant's mark is a pun on "what's up?" and that, in a AI context, the Respondent's use of "What's App (AI)?" is a "linguistic ambiguity - combined with non-commercial intent and disclaimers". However, the formulation used on the Respondent's website was "what apps", not "whats app", and the Respondent has failed to answer the Complainant's query as to why, in these circumstances, the Respondent did not select the more logical term "whatapps" for its domain name.

Fourth, the Respondent has not explained why, after the Complaint was filed, it resolved the disputed domain name a website featuring the text "LANTA LABS Security Research Firm", let alone attempted to rebut the Complainant's point that such usage was likely another attempt by the Respondent to try and legitimize its holding of the disputed domain name.

Accordingly, although the Respondent's precise motive is not clear, for all of the above reasons, the Panel considers that, on the balance of probabilities, the Respondent registered and used the disputed domain name in order to target the Complainant's mark in some illicit manner.

Dealing with the Respondent's other submissions:

- That the Respondent's purpose was noncommercial. Under the circumstances, including the Respondent's unconvincing claim that the Respondent registered the disputed domain name for use as an AI-related app listing website and the unexplained use of the disputed domain name to promote "LANTA LABS", the Respondent has not satisfied the Panel that it registered and used the domain name for a noncommercial purpose.
- That there is no risk of implied affiliation/confusion due, amongst other things, to the Respondent's title and editorial framing ("What's App (AI)?"), the lack of Complainant logos or trade dress and the coverage of many AI apps, not just WhatsApp. Not only does the Panel consider that the term "Whats App (AI)" strongly

denotes an AI aspect of the Complainant's app, but, as mentioned above, the formulation actually used by the Respondent on its website was "what apps", not "whats app". Nor does the lack of Complainant logos or trade dress, or the fact that the Respondent actual/intended website list multiple apps, assist the Respondent. As mentioned above under the second element, the disputed domain name itself creates a high risk of implied affiliation as it is identical to the Complainant's trade mark and – whether or not some visitors ultimately realise that the site is not officially connected with the Complainant – the Respondent has nonetheless benefited from at least some traffic intended for the Complainant.

- That the Respondent is willing to maintain prominent disclaimers and limit the site to noncommercial editorial content about AI applications in future. Such promises regarding future conduct, even if genuine, cannot displace the Panel's conclusion that the Respondent has already registered and used the domain in bad faith, which suffices for the purposes of the third element.

The Panel finds 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.ai> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: October 14, 2025