

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC v. Arjun Mehta, Indian Cricket Marketing  
Case No. DME2025-0011

### **1. The Parties**

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

The Respondent is Arjun Mehta, Indian Cricket Marketing, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <bluewhatsapp.me> (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 April 28, 2025. On April 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 28, 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 (REDACTED, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 2025, 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 May 6, 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 May 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2025.

The Center appointed Mariia Koval as the sole panelist in this matter on June 6, 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.

#### **4. Factual Background**

The Complainant, founded in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) in 2014, is a provider of one of the world's most popular mobile messaging applications "WhatsApp", which allows users across the globe to exchange messages for free via smartphones. Since its launch in 2009, WhatsApp has become one of the fastest growing and most popular mobile applications in the world, with well over 2.6 billion monthly active users worldwide in 2023. WhatsApp application has acquired considerable reputation and goodwill worldwide: consistently being ranked amongst Google Play and Apple iTunes 25 most popular free mobile applications and Tech Radar's Best Android Apps, WhatsApp is one of the most downloaded application worldwide according to applications information company Data.ai.

The Complainant owns numerous WHATSAPP trademark registrations (the "WHATSAPP Trademark"), among which are:

- United States Trademark Registration No. 3939463, registered on April 5, 2011, in respect of services in class 42;
- International Trademark Registration No. 1085539, registered on May 24, 2011, in respect of goods and services in classes 9 and 38;
- European Union Trademark Registration No. 009986514, registered on October 25, 2011, in respect of goods and services in classes 9, 38 and 42;
- Pakistani Trademark Registration No. 302143, registered on May 27, 2011, in respect of services in class 38.

The Complainant has built up a considerable online presence and is operating, among others, domain names <whatsapp.com>, <whatsapp.net>, <whatsapp.org>, <whatsapp.info> and others. The Complainant also operates various social media platforms, particularly Facebook, X, YouTube and LinkedIn, where the WHATSAPP Trademark is extensively used and promoted.

The Disputed Domain Name was registered on April 29, 2024. As at the date of this Decision, the website under the Disputed Domain Name is inactive. However, in accordance with evidence presented by the Complainant (Annex 10 to the Complaint), the Disputed Domain Name previously resolved to a website where a modified APK version of WhatsApp named as "Blue WhatsApp" was offered for download.

#### **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 since the Disputed Domain Name comprises the Complainant's WHATSAPP Trademark in its entirety, followed by the word "blue".

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Respondent is not a licensee of the Complainant nor the Respondent is affiliated with the Complainant in any way, nor has the Complainant authorized the Respondent to make any use of its WHATSAPP Trademark, in the Disputed Domain Name or otherwise;
- the Disputed Domain Name comprises the Complainant's WHATSAPP Trademark in its entirety, altered only by the addition of the prefix "blue";
- the Respondent's registration of the Disputed Domain Name violates the WhatsApp Terms of Service;
- the Respondent was using the Disputed Domain Name to offer for download unauthorized, modified APK versions of the Complainant's WhatsApp application;
- the Respondent's website failed to accurately and prominently disclose its relationship with the Complainant given that it featured no clear disclaimer as to the lack of relationship with the Complainant;
- the Respondent's website prominently referred to the Complainant's WHATSAPP Trademark and featured a variation of the Complainant's WhatsApp logo and figurative trademark;
- the Respondent is not commonly known by the Disputed Domain Name: there was no contact information on the Respondent's website, nor any evidence that the Respondent has obtained or applied for any registration of WHATSAPP Trademark.

The Complainant further claims that the Respondent has registered and is using the Disputed Domain Name in bad faith. Given the Complainant's renown and goodwill worldwide and its WHATSAPP Trademark in various jurisdictions the world, the Respondent could not credibly argue that it did not have knowledge of the Complainant's WHATSAPP Trademark when it registered the Disputed Domain Name in 2024. Rather, the nature of the Respondent's website clearly demonstrated actual knowledge of the Complainant and its WHATSAPP Trademark, as it made prominent reference to the Complainant, its WHATSAPP Trademark and official application, and featured a variation of the Complainant's WhatsApp logo and figurative trademark and a modified version of it.

Furthermore, the promotion of unauthorized modified APK versions of the WhatsApp application on the Respondent's website not only violated the WhatsApp Terms of Service, but also placed the security of WhatsApp users at risk. The Respondent's previous use of the Disputed Domain Name to offer, inter alia, the "Blue WhatsApp" APK under the Complainant's WHATSAPP Trademark disrupts the Complainant's business by driving WhatsApp users to third-party applications.

Finally, the Complainant submits that the Respondent's failure to respond to the notice sent by the Complainant's lawyers via the Registrar's contact form also indicates bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

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

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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 Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

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

The Disputed Domain Name completely reproduces the Complainant's WHATSAPP Trademark in combination with the word "blue" and the country-code Top-Level domain ("ccTLD") ".me". According to the [WIPO Overview 3.0](#), 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. The addition of the word "blue", to the WHATSAPP Trademark does not prevent a finding of confusing similarity in this case.

According to the [WIPO Overview 3.0](#), section 1.11.1, the applicable generic Top-Level Domain in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's WHATSAPP Trademark pursuant to paragraph 4(a)(i) of the Policy.

## **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 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.

The Panel concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's WHATSAPP Trademark. Moreover, there is no element from which the Panel could infer the Respondent's right over the Disputed Domain Name, or that the Respondent might be commonly known by the Disputed Domain Name.

The Panel is of the opinion that there is no evidence that the Respondent is using the Disputed Domain Name to offer bona fide goods or services or making a legitimate non-commercial or fair use. On the contrary, as at the date of filing of the Complaint the Disputed Domain Name resolved to the website which offered the third-party developed APK versions of WhatsApp for download. In addition, the Respondent's

website incorporates the Complainant's WHATSAPP Trademark, along with a variation of the Complainant's logo and figurative trademark. Despite this, the Respondent's website does not provide any clear or prominent disclaimer indicating that it is (un)affiliated with the Complainant, thereby failing to accurately disclose the absence of any official relationship. According to the [WIPO Overview 3.0](#), section 2.8.1, UDRP panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki Data test"), the following cumulative requirements will be applied to the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

As is seen from the circumstances of this case, the website under the Disputed Domain Name does not disclose any relationship between the Complainant and the Respondent and the whole design of the Respondent's website creates a false impression that this website is one of the Complainant's official websites or related to the Complainant. Thus, the Respondent does not satisfy the conditions of the Oki Data test.

Moreover, in accordance with the [WIPO Overview 3.0](#), section 2.5.1, where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The fact that the Respondent has incorporated the Complainant's WHATSAPP Trademark in its entirety in the Disputed Domain Name with the addition of the word "blue" to the Complainant's WHATSAPP Trademark, is further evidence, that the Respondent was well aware of the Complainant's WHATSAPP Trademark and business at the time of registration of the Disputed Domain Name and has done so for the only purpose of creating an impression that the Disputed Domain Name is connected with the Complainant's WHATSAPP Trademark.

In light of the above, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Therefore, the second element of the paragraph 4(a) of the Policy has been met by the Complainant.

### **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.

In the present case, the Panel notes that the Respondent registered and is using the Disputed Domain Name in bad faith in view of the following. The Complainant obtained the registration of the WHATSAPP Trademark at least 13 years earlier than the Respondent registered the Disputed Domain Name in 2024. Taking into account all circumstances of this case, the Panel finds that the Respondent was very well aware of the Complainant's business and its WHATSAPP Trademark when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant's WHATSAPP Trademark. The Panel considers it is bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant's WHATSAPP Trademark, so as to create a false association or affiliation with the Complainant.

Moreover, the Respondent's knowledge of the Complainant's WHATSAPP Trademark is also supported by the previous use of the Disputed Domain Name for the website, where modified version of the WhatsApp application was offering to download. Moreover, the website under the Disputed Domain Name contained the Complainant's WHATSAPP Trademark. In view of the fact that the Disputed Domain Name previously resolved to the website displaying the Complainant's WHATSAPP Trademark, Internet users would most likely be misled into believing that the Disputed Domain Name is related to or authorized by the Complainant.

According to section 3.1.4 of the [WIPO Overview 3.0](#), UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is of the opinion that it is clear that the Respondent, having registered and used the Disputed Domain Name, which is confusingly similar to the Complainant's widely-known WHATSAPP Trademark, intended to disrupt the Complainant's business and confuse Internet users seeking or expecting the Complainant's website. In view of the absence of any evidence to the contrary and the fact that the Respondent did not file any response to either the Complainant's contact attempt, or to these proceedings otherwise, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

In view of the foregoing, the Panel finds that the paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Name was registered and is being used in bad faith.

## **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 <bluewhatsapp.me> be transferred to the Complainant.

*/Mariia Koval/*

**Mariia Koval**

Sole Panelist

Date: June 20, 2025