

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0021

Also in PDF C2025-0021

1. The Complainant

The Complainant is Whatsapp, LLC, having its office at 1601 Willow Road, Menlo Park California 94025 United States of America. The complainant has initiated the complaint via their authorized representative, David Taylor/ Jane Seager having their office at Hogan Lovells (Paris) LLP 17, avenue Matignon 75008 Paris France.

2. The Domain Name and Respondent

The domain name upon which the Complaint is based is <gbwhatsapp.pk>, hereinafter referred to as the Disputed Domain Name [DDN].

PKNIC has informed DNDRC that the DDN is registered by Muhammad Sibtain Riaz with the contact name Muhammad Sibtain Riaz, with their address at Mohala Nizam Abad City, Taunsa and that the email address provided at the time of registration of the DN is aatifhervi@gmail.com.

3. Procedural History

DNDRC was informed of the Complaint against the Respondent in accordance with the PKNIC - Internet Domain Registration Policy upon receiving notification from the Complainant on 11 March 2025. An administrative review of the Complaint was conducted and completed, following which the Complainant was notified of the compliance review's completion and the subsequent procedural requirements.

Upon the Complainant's fulfillment of the procedural requirements on 15 April 2025, DNDRC formally requested the Respondent's registration details from PKNIC on 15 April 2025. PKNIC provided the requested details on 17 April 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 18 April 2025, enclosing a copy of the Complaint and a Response Form, informing the Respondent that failure to submit a Response within 10 days would result in the dispute proceeding ex parte. The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 08 July 2025. The arbitrator completed the review and issued a decision on 03 September 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 03 September 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Ardavan D. Solan as the sole Arbitrator who has verified that the Complaint satisfies the formal requirements of the Policy and the Rules.

Factual Background

4. Parties Contentions

(a) Complainant

The Complainant's brief contentions are reproduced below:

The Complainant

- 1. The Complainant, WhatsApp, LLC (WhatsApp), is a provider of one of the world's most popular mobile messaging applications (or apps). Founded in 2009 and acquired by Meta Platforms, Inc. (formerly Facebook, Inc.) (Meta) in 2014, WhatsApp allows users across the globe to exchange messages for free via smartphones, including iPhone and Android. WhatsApp's main website available at www.whatsapp.com also allows Internet users to access its messaging platform.*
- 2. Since launching in 2009, WhatsApp has become one of the fastest growing and most popular mobile applications in the world, with over 2.78 billion monthly active users worldwide (as of 2023). WhatsApp has acquired considerable reputation and goodwill worldwide, including in Pakistan. WhatsApp is the 2nd most downloaded app in Pakistan and the 4th most downloaded app in the world as per Data.ai's Top Apps Rankings in 2024.*

A screen capture of the Complainant's main website and copies of information about the Complainant, including its Wikipedia entry, press articles on Meta's acquisition of WhatsApp

in 2014, its application ranking and rapid growth and popularity worldwide, including in Pakistan, are provided as **Annex 4**.

3. Reflecting its global reach, the Complainant owns numerous domain names consisting of or including its WHATSAPP trade mark under a wide range of generic Top-Level Domains as well as under numerous country code Top-Level Domains (**ccTLDs**), including <whatsapp.com> ,<whatsapp.org>, <whatsapp.pk> and <whatsapp.com.pk>.

Copies of the WhoIs records for selected domain names comprising the Complainant's WHATSAPP trade mark are provided as **Annex 5**.

The Complainant's trade mark

4. In addition to its strong online presence, the Complainant owns numerous trade mark registrations for WHATSAPP in many jurisdictions throughout the world, including in Pakistan, as detailed above (see **Annex 3**).

The Respondent, the Domain Name and the associated website

5. The Domain Name <gbwhatsapp.pk> incorporates the Complainant's WHATSAPP trade mark in its entirety, preceded by the letters "gb" and followed by the letters "ro", under the ccTLD ".pk". The Respondent registered the Domain Name on 26 March 2024 (see **Annex 2**).
6. The Domain Name currently points to a website at <https://gbwhatsapp.pk/> (the **Respondent's website**) which promotes and offers for download an unauthorized modified APK version of WhatsApp known as "GB WhatsApp".

The Respondent's website features the following wording:

"Are you stuck using the original WhatsApp with limited feature and want to use the extra functional app with many options? Then I decided you use GBWhatsApp to enjoy the comfort of using official WhatsApp features besides these extraordinary application functions."

7. This unauthorized modified version of WhatsApp purportedly provides functionalities that go beyond those offered in the official WhatsApp app, notably including bulk messaging.

8. *The Respondent's website features a green and white color scheme that is very similar to the Complainant's green and white WhatsApp color scheme, as well as logos and a favicon that are very similar to the Complainant's logo and figurative trade mark, as follows:*

The logos and favicon featured on the Respondent's website



The Complainant's WhatsApp logo



9. *The Respondent's website makes prominent reference to the Complainant's WHATSAPP trade mark.*
10. *The Respondent's website features no disclaimer as to its lack of relationship with the Complainant. Screen captures of the Respondent's website as described above are provided as **Annex 6**.*
11. *As detailed below, the Respondent's registration and use of the Domain Name does not conform to the Complainant's Brand Guidelines (see <https://about.meta.com/brand/resources/whatsapp/whatsapp-brand>), nor does it comply with the WhatsApp Terms of Service (see <https://whatsapp.com/legal/terms-of-service>).*

*Copies of the WhatsApp Brand Guidelines and the WhatsApp Terms of Service are provided as **Annex 7**.*

The Complainant submits the present Complaint requesting transfer of the Domain Name to protect its rights and legitimate business interests.

Therefore, the Complainant seeks the following remedy:

In accordance with Paragraph 4(i) of the Policy, the Complainant requests that the Administrative Panel appointed in this administrative proceeding transfer the Domain Name to the Complainant.

(b) Respondent

The Respondent did not make a submission.

5. Jurisdiction

The Panel's jurisdiction over this dispute between the Complainant and the Respondent is established by virtue of the Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules.

The Respondent applied for and was granted registration of the DN on the basis of these regulations, and has submitted to, the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules and correspondingly to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

6. Discussion and Findings

In the landmark case of *Standard Chartered PLC v. Hosting Campus Domain* (case no. C2007-0001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf), the Panel laid down the following four heads under which to analyze cases, under the Internet Domain Registration Policy version 4.4 (2019-08-19) and the UDRP:

- a. *Illegality, unlawfulness or otherwise invalidity of the Application & Registration (a criteria in terms of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 in addition to the criteria of the UDRP)*
- b. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
- c. *Legitimate interest in Domain Name (a UDRP criteria)*
- d. *Registration and use in bad faith (a UDRP criteria)*

The decision of the dispute shall be addressed with respect to the following aspects:

- i. Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) criteria).
- ii. Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).
- iii. Legitimate interest in the domain name (a UDRP criteria).
- iv. Registration and use of the domain name in bad faith (a UDRP criteria).

I. Illegality, unlawfulness or otherwise invalidity of the Application & Registration

The PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) states that it creates an exception for, and thus excludes the registration of a domain name that:

- a. *infringes upon a registered tradename,*
- b. *is not bona fide as recognized by international best practice,*
- c. *in the opinion of PKNIC, a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law,*
- d. *has been declared by a Criminal Court of appropriate jurisdiction to have contravened the latest version of Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/Anti-Terrorism Act, 1997/any applicable criminal law), or*
- e. *in the opinion of PKNIC is not appropriate for registration.*

As per the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19),

If a party claims that a domain name already registered with PKNIC violates their registered tradename, an obvious derivation of their registered company name is not bona fide as recognized by international best practice, and is a contravention in the opinion of PKNIC to be a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law, PKNIC reserves the right to cancel, or transfer the domain to the claiming party as per the ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP] (with PKNIC amendments) or as per the orders of a court judgment in Pakistan.

Therefore, for the purpose of assessing illegality, unlawfulness or otherwise invalidity of the Application & Registration of the DN, the application and registration of the DN shall be assessed in consideration of the following criteria:

- i. Whether the DN infringes upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DN is bona fide?
- iii. Whether the application and/or registration of the DN contravenes the Pakistan Penal Code, 1860 (the "Penal Code") or any applicable criminal law?

The Complainant has submitted the following:

This Complaint is based on the following trade mark registrations:

- *United States Trademark Registration No. 3939463, WHATSAPP, registered on 5 April 2011;*
- *International Registration No. 1085539, WHATSAPP, registered on 24 May 2011;*
- *Pakistani Trade Mark Registration No. 302143, WHATSAPP, registered on 27 May 2011; and*
- *European Union Trade Mark No. 009986514, WHATSAPP, registered on 25 October 2011.*

WhatsApp also holds figurative trade mark registrations for its telephone logo, including:

- *International Registration No. 1109890, , registered on 10 January 2012.*

*Copies of the abovementioned trade marks are provided as **Annex 3**.*

The Respondent has not submitted a response.

The Panel deduces that the Complainant has established registered trademark rights; however, a finding of illegality would require evidence that the disputed domain name infringes upon those rights. While, the DDN incorporates the entire trademark in it, the Complainant has not advanced any submissions addressing whether the prefix and suffix or “gb” and “pro” in the DDN, prevent or diminish a finding of infringement or illegality.

In the absence of such contentions, the Panel does not find sufficient basis to conclude illegality and therefore proceeds to assess the Complaint under the three cumulative criteria set forth in the UDRP.

II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has made the following submissions:

- 13. The first element of paragraph 4(a) of the Policy requires a complainant to establish first, that it has rights in a trade mark or service mark, and secondly, that the disputed domain name is identical or confusingly similar to that trade mark or service mark.*

14. *The Complainant owns numerous trade mark registrations for WHATSAPP in jurisdictions throughout the world, including in Pakistan (see **Annex 3**). The Complainant has therefore established trade mark rights in WHATSAPP for the purposes of paragraph 4(a)(i) of the Policy.*
15. *The Domain Name comprises the Complainant's WHATSAPP trade mark, preceded by the letters "gb" and followed by the letters "ro", under the ccTLD extension ".pk".*
16. *As stated in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition4 (**WIPO Overview 3.0**), section 1.7:*

"[...] in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."
17. *The Complainant submits that the presence of its WHATSAPP trade mark in the Domain Name is sufficient to establish confusing similarity between the Domain Name and the Complainant's WHATSAPP trade mark.*
18. *As stated in 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."
19. *The Complainant submits that the addition of the letters "gb" as a prefix and the letters "ro" as a suffix does not prevent a finding of confusing similarity between the Domain Name and the Complainant's WHATSAPP trade mark. See WhatsApp LLC v. Furqan Taunsvi, Buch Executive Villas, WIPO Case No. DCC2024-0012 (<gbwhatsapp.cc> et al.); WhatsApp LLC v. Apps.Pk, WIPO Case No. D2024-2487 (<gbwhatsapp.app>) and WhatsApp LLC v. Younus Waqar, DNDRC Case No. 2024-0009 (<gbwhatsapp.pk>).*
20. *The addition of the ccTLD extension ".pk" may be disregarded for the purposes of assessment under the first element, as it is a standard requirement of registration; see WIPO Overview 3.0, section 1.11.1.*

21. For reasons set out above, the Complainant submits that the Domain Name is confusingly similar to the Complainant's WHATSAPP trade mark, in accordance with paragraph 4(a)(i) of the Policy.

The Respondent has not submitted a response.

The complainant has contended that the DDN is confusingly similar to the Complainant's trademark.

The Panel, in exercising the test of identicalness or confusing similarity finds that the DDN is confusingly similar to the registered trademark for the following reasons:

As also iterated by the Complainant, in accordance with Section 1.7 of the WIPO overview 3.0 a domain name will be found confusingly similar if a "dominant feature" of the trademark is used within the domain name.

Moreover, this claim is further strengthened by considering and applying the prefix and suffix; "gb" and "ro" under the test provided in Section 1.8 of the WIPO Overview 3.0. The above mentioned criteria, and section 1.8 of the WIPO Overview states that *"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."*

Both, the above-mentioned tests were applied respectively and it was found that the DDN consisted of the Complainant's trademark as a dominant feature whereas the addition of the term "gb" and "pro" did not prevent the finding of confusing similarity.

Additionally, the Panel provides the case of *WhatsApp LLC v. Furqan Taunsvi, Buch Executive Villas, WIPO Case No. DCC2024-0012* to legitimize the claim of the above-mentioned assessment. The judgment states; *"Although the addition of the letters 'gb', 's', 'ro', and 'p' may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8."*

Therefore, the Panel concludes that the DDN is confusingly similar to the Complainant's trademark in which the Complainant holds rights.

III. Legitimate interests in a domain name

As per paragraph 4(c), the UDRP requires the Respondent's claim to be of legitimate interest and shall be:

"proved based on all evidence presented" that "shall demonstrate" the Respondent's "rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii)."

The Complainant has made the following submissions:

22. *The Complainant asserts that the Respondent cannot invoke any of the circumstances set out in paragraph 4(c) of the Policy that would demonstrate its rights or legitimate interests in the Domain Name.*

The Respondent is not using the Domain Name in connection with any bona fide offering of goods or services

23. *The Respondent is not a licensee of the Complainant, nor has the Respondent been authorized by the Complainant to make any use of its WHATSAPP trade mark, in a domain name or otherwise.*

24. *As a preliminary matter, the Complainant submits that the Respondent cannot be viewed as a bona fide service provider as it was not offering sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is making unauthorized use of the Complainant's trademarks to promote a third-party modified version of WhatsApp. Nevertheless, even if one is to apply the Oki Data criteria, the Respondent at least fails to fulfil the first and third Oki Data criteria:*

i.) *The Respondent is not a reseller or service provider as the Respondent is not actually offering WhatsApp, but rather an unauthorized version of WhatsApp. As such, the Respondent cannot be said to be using the Respondent's website to offer the goods or services at issue.*

iii.) *The Respondent's Website does not clearly disclose its lack of relationship with the Complainant. Rather, the Respondent's website prominently displays the Complainant's WHATSAPP trade mark, together with variations of the Complainant's figurative trade mark and logo, and makes use of the same green and white colour scheme used by the Complainant. The Respondent's website may therefore mislead Internet users into believing that it is operated or authorized by the Complainant, when in fact it is not.*

25. *In addition to lacking a disclaimer, the Respondent's website displays variations of the Complainant's figurative trade mark and features the Complainant's WHATSAPP trade mark along with its distinctive logo to promote a modified WhatsApp APK. Prior panels have determined that such use cannot be considered bona fide under paragraph 4(c)(i) of the Policy, as it is evident that the Respondent intentionally designed the website to create a false impression of association with the Complainant, and that the modified APK offered therein is authorized by or connected to the Complainant. See WhatsApp Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Mohsen Moussawi, WIPO Case No. D2021-0032 (<cyberwhatsapp.com>); and WhatsApp, Inc. v. Abdallah Almqbali, WIPO Case No. D2016-1287 (<whatsappplus.com> et al.).*
26. *Furthermore, the modified WhatsApp APK promoted via the Domain Name is not authorized by the Complainant, and violates the WhatsApp Terms of Service (see Annex 7) providing as follows:*
- "Harm to WhatsApp or Our Users.* You must not (or assist others to) access, use, copy, adapt, modify, prepare derivative works based upon, distribute, license, sublicense, [...], or otherwise exploit our Services in impermissible or unauthorized manners, [...] including that **you must not** directly or through automated means: (a) **reverse engineer, alter, modify, create derivative works from, decompile, or extract code from our Services [...]." (emphasis added)****
27. *The Complainant is committed to maintaining the integrity of its WhatsApp service and does not support such third-party applications. As such, the Respondent's use of the Domain Name, in breach of the Complainant's Terms of Service, cannot be considered bona fide under the Policy. See WhatsApp, Inc. v. Nasser Bahaj, WIPO Case No. D2016-0581 (<ogwhatsapp.org> et al.); and WhatsApp Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Mohsen Moussawi, supra.*
28. *Finally, even if the Respondent's website had displayed a disclaimer as to the absence of any relationship with the Complainant, it would not have been sufficient to render the Respondent's use of the Domain Name bona fide under the Policy; see WhatsApp LLC v. Bulk Whatsapp Sender, Ravi Enterprises, WIPO Case No. D2022-0457 (<bulkwhatsappsender.shop>). See also LinkedIn Corporation v. Contact Privacy Inc. Customer 0138656558 / Scott Offord, Bytes and Sites Inc, WIPO Case No. D2016-1171 (<autopilotforlinkedin.com>).*

29. *The Complainant therefore submits that the Respondent is not using the Domain Name in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.*

The Respondent is not commonly known by the Domain Name

30. *The Respondent cannot legitimately claim that it is commonly known by the Domain Name, in accordance with paragraph 4(c)(ii) of the Policy.*

31. *The registrant information for the Domain Name is redacted in the publicly-available WhoIs record (see **Annex 2**). The Respondent's website does not display any contact details. Therefore, the identity of the Domain Name owner is unknown.*

32. *As detailed above, the Respondent's name has been disclosed as "Muhammad Sibtain Riaz", which does not bear any resemblance to the Domain Name. Nor is there any evidence of the Respondent having obtained or applied for any trade mark registration or similar right for "WHATSAPP" or "GBWHATSAPPRO", as reflected in the Domain Name.*

33. *Furthermore, the Respondent's use of the Domain Name to promote an unauthorised WhatsApp APK does not support any reasonable claim of being commonly known by the Domain Name, nor does it give rise to any reputation in the Domain Name itself, independent of the Complainant's trade mark rights.*

34. *The Respondent therefore cannot legitimately claim that it is commonly known by the Domain Name, in accordance with paragraph 4(c)(ii) of the Policy.*

The Respondent is not making a legitimate noncommercial or fair use of the Domain Name

35. *Nor is the Respondent currently making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers within the meaning of paragraph 4(c)(iii) of the Policy.*

36. *The Respondent's use of the Domain Name to purport to offer for download an unauthorized modified version of the Complainant's WhatsApp application does not amount to legitimate noncommercial or fair use. See WhatsApp LLC v. Furqan Taunsvi, Buch Executive Villas, supra.*

37. *The Complainant submits that in light of the above factors, it has established a prima facie showing that the Respondent lacks rights or legitimate interests in the Domain Name. Accordingly, the burden of production shifts to the Respondent to come forward with evidence to rebut the Complainant's case. In the absence of such evidence, the Complainant may be deemed to have satisfied the requirements of paragraph 4(a)(ii) of the Policy; see WIPO Overview 3.0, section 2.1.*

The Respondent has not submitted a response.

The Complainant asserts that the Respondent lacks any legitimate interest in the DDN, noting that the Respondent neither holds a genuine domain name, nor any legitimate right to use the WhatsApp mark.

As iterated by the Complainant, it is their duty to establish, prima facie, that the Respondent lacks any legitimate interest in using the DDN or any related rights. The Complainant asserts that the Respondent does not satisfy any of the criteria listed under Paragraph 4(c) of the UDRP Policy to prove that the latter had no legitimate interest in the DDN and shifted the burden of proof to the Respondent to prove otherwise (WIPO Overview 3.0 Section 2.1).

Since the Respondent has failed to submit a response, the Panel concludes that the Respondent fails to meet this ambit of legitimate interest, and the Complainant is deemed to have satisfied the second test of legitimate interest.

In view of the above, the Panel concludes that the Respondent does not have any legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

38. *Paragraph 4(b) of the Policy lists four factors which, in particular but without limitation, may be evidence of registration and use of a domain name in bad faith for the purposes of paragraph 4(a)(iii) of the Policy.*
39. *The Complainant submits that the Domain Name was registered and is being used in bad faith pursuant to paragraph 4(b)(iv) of the policy, as well as for reasons that go beyond the non-exhaustive list of circumstances set out in paragraph 4(b) of the Policy.*

Registration in bad faith

40. *The Complainant's WHATSAPP trade mark 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 Pakistan (see **Annex 4**)*
41. *All of the leading search results obtained by typing "WhatsApp" into the Google search engine available at www.google.com and www.google.com.pk refer to the Complainant. Copies of the Google search results are provided as **Annex 8**.*
42. *Given the Complainant's renown and goodwill worldwide and particularly its popularity and trade mark rights established prior to the registration of the Domain Name, the Respondent could not credibly argue that it did not have knowledge of the Complainant's WHATSAPP trade mark when registering the Domain Name in March 2024. See, for example, *WhatsApp Inc. v. Francisco Costa*, WIPO Case No. D2015-0909 (<webwhatsapp.com>).*
43. *The content of the Respondent's website clearly demonstrates the Respondent's actual knowledge of the Complainant and its trade marks, as the website makes multiple references to the Complainant and its WHATSAPP trade mark, features logos very similar to the Complainant's WhatsApp logo and figurative trade mark, a green and white colour scheme very similar to the Complainant's colour scheme and purports to offer for download an unauthorized version of the Complainant's application. The Complainant's WHATSAPP trade mark is a coined term, exclusively associated with the Complainant and its messaging services. These factors clearly indicate the Respondent's intent to target the Complainant's trade marks at the time of registration of the Domain Name. See WIPO Overview 3.0, Section 3.2.1 as well as *WhatsApp Inc., Facebook, Inc. v. Alex Xu, HKITN*, WIPO Case No. D2019-1709, (<whatsapp-marketinghk.com> et al.).*
44. *The Complainant submits that the Respondent registered the Domain Name, not only with full knowledge of the Complainant's rights, but also with the intent to attract Internet users to the Respondent's website for the promotion of an unauthorized modified version of the Complainant's application, in bad faith.*

Use in bad faith

45. *Given the confusing similarity between the Domain Name and the Complainant's trade mark, and the content of the Respondent's website as described above, in the absence of any*

disclaimer regarding the Respondent's lack of relationship with the Complainant, Internet users are likely to be misled into believing that the Respondent's website is somehow affiliated with or otherwise endorsed by the Complainant, which it is not.

46. *As detailed above, the Respondent's website purports to offer for download an unauthorized modified version of the Complainant's WhatsApp application, developed by a third party. It is more likely than not that the owners of this third-party application ultimately derive commercial advantage from the Respondent's unauthorized use of the Complainant's trade mark in the Domain Name and on its website. Prior UDRP panels have held that commercial gain may include the respondent gaining or seeking reputational and/or bargaining advantage, even where such advantage may not be readily quantified; see WIPO Overview 3.0, section 2.5.3*
47. *The Complainant therefore submits that by using the Domain Name in this fashion, the Respondent intentionally attempted to attract, for commercial gain, Internet users to the website to which the Domain Name resolved by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website and the application offered for download therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy. See WhatsApp, LLC v. GB Apps, DNDRC Case No. 2024-0008 (<gbwhatsappdownloads.pk>); WhatsApp, LLC v. Younus Waqar, supra; WhatsApp, Inc. v. Whois Agent, Whois Privacy Protection Service, Inc. / Mohammed Alkalbani, et al., WIPO Case No. D2016-2299 (< download-whatsapp-plus.net> et al.); WhatsApp, Inc. v. Nasser Bahaj, supra; and WhatsApp Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Mohsen Moussawi, supra.*
48. *Furthermore, the promotion of an unauthorized modified APK version of the WhatsApp application not only violates the WhatsApp Terms of Service, but also places the security of WhatsApp users at risk as such applications can be used to fraudulently obtain personal data of WhatsApp users or may be used to spread malware. In addition, the Respondent's use of the Domain Name to resolve to a website offering an unauthorized modified APK version of the Complainant's application under the Complainant's trade mark disrupts the business of the Complainant by driving WhatsApp users to a third-party application. Prior panels have held that such activities amount to use of a domain name in bad faith. See WhatsApp, LLC v. Adila Ayaz, Freelance, WIPO Case No. D2024-2999 (<anwhatsapp.pro> et al.).*
49. *As detailed above, the Complainant submits that the Domain Name was registered and is being used in bad faith, in accordance with paragraph 4(a)(iii) of the Policy.*

The Respondent has not submitted a response.

The Complainant, has submitted that the DDN was initially, registered in bad faith, to benefit from the goodwill of its brand and the global user base it has captured over years of being in the market.

The Panel agrees that it is improbable that the Respondent has never heard off or is not aware of the complainant's sole rights towards the mark and product, since the Respondent's website has, itself, stated that it is for Whatsapp users who want additional features and security which Whatsapp does not offer currently. This clearly indicates that the Respondent knew or ought to have known that the DDN would infringe upon the rights of the Complainant's trademark and hence indicating bad faith (see WIPO Overview 3.0 Section 3.2.2).

Secondly, the Respondent's website containing the logo of "Gb Whatsapp pro" shows a similar telephone design and a green and white colour scheme which is famously used by the Complainant, purportedly to appear similar or adjacent, to the original logo. The incorporation of the Complainant's trademark along with any additional terms whether they be descriptive or geographic, is a further subsequent indicator of bad faith (WIPO Overview 3.0 Section 3.2.1).

Furthermore, the website of the Respondent, as provided in Annex 6, explicitly states that it is a third party, modified version of WhatsApp with additional customizations and features. This is a clear attempt by the Respondent advertising a product as an illegally modified version of WhatsApp itself, to be used as a substitute for it, without acquiring any authority and/ or the rights to do so. Such offering of services, in the guise of a third party application of WhatsApp is another indicator of the Respondent's bad faith, as the DDN tries to attract internet users to download its own modified version of WhatsApp instead of the official application, despite knowing of the Complainant's trademark and the services offered, at the time of registering and using the DDN. The Panel notes that the provision of similar services, creating a likelihood of confusion among internet users and WhatsApp's existing and intended users regarding the connection, source, sponsorship, affiliation or endorsement between the DDN and WhatsApp supports the evidence of bad faith [See WhatsApp Inc. v. Francisco Costa, WIPO Case No. D2015-0909, (<webwhatsapp.com>)]

The Panel further concurs with the contention that the Respondent's website does not contain any disclaimer clarifying the absence of a relationship with the Complainant. This omission is likely to cause confusion among users who may be misled into believing that the website is affiliated with, or endorsed by, WhatsApp. Such conduct also serves as an indicator of bad faith.

Moreover, all of the above mentioned evidence(s) clearly corroborate to a lack of bona fide reasons under the test of finding bad faith in creating and using the DDN, all of which testifies to an

indisputable finding of the Respondent's construction and use of the DDN in bad faith. (WIPO Overview 3.0 Section 3.2.1).

The Panel considers that the use of the DDN as an active website offering the download of an unauthorized, unlicensed version of the Complainant's application used by billions of users worldwide, implies a risk that such applications may be designed to phish for personal data of WhatsApp users or may cause users to download malware and other indistinguishable files which may be harmful to their devices. [See WIPO Case No. D2024-2999 (<anwhatsapp.pro> et al.)].

Accordingly, the Panel concludes that the Respondent both; registered, and is using the DDN in bad faith.

6 Decision

Upon reviewing the contentions and information provided by the Complainant above, the Panel acknowledges that the "WhatsApp" mark is registered and owned by the Complainant and the Respondent has no trademark rights over it.

The continuous use of this DDN may adversely affect the business and could jeopardize the reputation of the complainant by amounting to confusion of ownership of the DDN even if they might be situated in different and separate jurisdictions.

The equitable and complete use of the Complainant's rights requires them to exercise sole ownership and control of any associated domain names and/ or trademarks/ logos of WhatsApp, in order to prevent any confusion and ambiguity for users and the public, in general.

Taking all the above discussion into consideration, the Panel concludes and decides that:

1. The Respondent's registration of the DDN does not violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is confusingly similar to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest in the DDN;
4. The DDN was registered and is being used in bad faith.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the DDN <gbwhatsapp.pk> to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through the website where it will be uploaded,

www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator: Ardavan D. Solan

Sole Panelist

Date: 03 September 2025