

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0022

Also in PDF C2025-0022

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 vide their authorized representative, David Taylor / Jane Seager, with their address at 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 [the “DDN”].

PKNIC has informed DNDRC that the DDN is registered by Muhammad Mohsin with the contact name Mohsin Khan, with their address at Taunsa, Pakistan, and that the email address provided at the time of registration of the DDN is asadjk42@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 05 June 2025. DNDRC completed an administrative review of the Complaint on 11 June 2025 and communicated the same to the Respondent on 11 June 2025.

Upon the Complainant’s fulfillment of the procedural requirements on 12 June 2025, DNDRC formally requested the Respondent’s registration details from PKNIC on 24 June 2025. PKNIC provided the requested details on 26 June 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 08 July 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. A reminder to submit the Response Form was sent to the Respondent on 16 July 2025.

The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 25 July 2025. The arbitrator completed the review and issued a decision on 05 September 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the parties concerned on 06 September 2025

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Muhammad Amaan Latif 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:

A. Introduction - The Facts

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. Its main website available at www.whatsapp.com also allows Internet users to access its messaging platform.*
- 2. Since its launch 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 one of the most downloaded applications in the world and in Pakistan, as per Data.ai's Top Apps Rankings in 2025.*

*See **Annex 4** for a screen capture of the Complainant's website and copies of information on the Complainant, including its Wikipedia entry, press articles on Meta's acquisition of*

WhatsApp in 2014, its application rankings and rapid growth and popularity worldwide, including in Pakistan.

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

Copies of the WhoI records for selected domain names comprising the Complainant's WHATSAPP trademark are provided as Annex 5.

The Complainant's trademark

4. *In addition to its strong online presence, the Complainant has secured ownership of numerous trademark registrations for WHATSAPP in many jurisdictions throughout the world, including in Pakistan, as detailed above.*

The Domain Name and the associated website

5. *The Domain Name points to a website at <https://gbwhatsapp.pk/> (the Respondent's website), which promotes and offers for download a modified APK2 version of WhatsApp known as "GBWhatsApp". This unauthorized WhatsApp APK purportedly provides functionalities that go beyond those offered in the official WhatsApp app.*
6. *In its FAQ section, the Respondent's website states that "the GB WhatsApp is not an original App, so it is not legal. But developed by a reliable developer, it is a safe and secure app". Regarding the security of this modified APK, the website also notes that "GB WhatsApp security cannot be guaranteed, as WhatsApp is not officially supported. Consumers should be careful when downloading GBWhatsApp from unknown sources to minimize the risk of compromising their data."*
7. *The Respondent's website prominently displays the Complainant's WHATSAPP trademark and its figurative trademark , together with variations ( ) of this speech bubble logo, and features WhatsApp's distinctive green colour scheme.*
8. *Apart from a contact form and the email address support@gbwhatsapp.pk, the Respondent's website does not display any other contact details. It contains a disclaimer, which is not*

visible in the navigation bar (internet users need to click on the tab "Navigation" to see the link to the disclaimer page) and states:

*"GB WhatsApp is a third-party modified version of the original WhatsApp application developed by WhatsApp Inc. We are **not the official developers** of GB WhatsApp or WhatsApp itself.*

*We are **not affiliated, associated, authorized, endorsed by, or in any way officially connected** with WhatsApp Inc., Facebook, or Meta Platforms, Inc."*

Screen captures of the Respondent's website as described above are provided as **Annex 6**

9. *On 9 May 2025, the Complainant's lawyers sent a cease and desist letter to the Respondent using the email address support@gbwhatsapp.pk. In this letter, the Complainant asserted its trademark rights and requested transfer of the Domain Name. The Complainant never received any reply from the Respondent.*

*A copy of the cease and desist letter sent by the Complainant's lawyers is provided as **Annex 7**.*

10. *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 DDN 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. C20070001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c20070001.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:

1. *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)*
2. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
3. *Legitimate interest in Domain Name (a UDRP criteria)*
4. *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 (2019-0819) 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 DDN, the application and registration of the DDN shall be assessed in consideration of the following criteria:

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

The Complainant has made the following submissions:

This Complaint is based on the following trademark registrations:

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

- *International Registration No. 1085539, WHATSAPP, registered on 24 May 2011; and*
- *International Registration No. 1109890, , registered on 10 January 2012;*

*Copies of the abovementioned trademarks are provided as **Annex 3**.*

The Respondent has not made a submission.

The Panel observes that, to meet the requirements set forth in Paras 1 and 4 of the PKNIC Policy, there must be a clear violation of trademark rights. Therefore, it is necessary to establish that the DDN infringes upon the Complainant's registered trademark rights. In support, the Complainant has submitted multiple proofs of registration for the mark "WHATSAPP" in various jurisdictions, including Pakistan.

While the Panel recognizes the Complainant's established trademark rights, it also notes that there is limited discussion regarding the incorporation of the terms "gb" and "whatsapp" in the DDN. Consequently, it remains uncertain whether these modifications can be disregarded in this evaluation or if they serve to prevent infringement of the Complainant's trademark.

In light of the absence of arguments addressing this aspect, the Panel considers it essential to evaluate the Complaint in accordance with the three UDRP criteria to arrive at a decision.

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

The Complainant has made the following submissions:

- 11. The first element of paragraph 4(a) of the Policy requires a complainant to establish first, that it has rights in a trademark or service mark, and secondly, that the disputed domain name is identical or confusingly similar to that trademark or service mark.*
- 12. Complainant owns numerous trademark registrations for WHATSAPP in jurisdictions throughout the world, including in Pakistan (see **Annex 3**). The Complainant has therefore established trademark rights in WHATSAPP for the purposes of paragraph 4(a)(i) of the Policy.*
- 13. Domain Name comprises an obvious misspelling (i.e., "whatsapp") of the Complainant's WHATSAPP trademark (i.e., "whatsapp" where the first letter "a" is omitted), preceded by the two letters "gb", under the ccTLD ".pk" for Pakistan.*

14. *The Complainant submits that the Domain Name, which incorporates a common, obvious, or intentional misspelling of its WHATSAPP trademark (i.e., typo squatting), is considered to be confusingly similar to that trademark for purposes of the first element; see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.9. Prior UDRP panels have found similarly-composed disputed domain names to be confusingly similar to the trademarks at issue. See in this regard WhatsApp, Inc. v. Abdallah Almqbali, WIPO Case No. D2016-1287 (<watsabsplus.com> et al.)*
15. *Further, the Complainant submits that the mere addition of the prefix "gb" in the Domain Name does not prevent a finding of confusing similarity with the Complainant's WHATSAPP trademark, which remains recognizable in the Domain Name. See WIPO Overview 3.0, section 1.8 and WhatsApp LLC v. Registration Private, Domains By Proxy, LLC / Muhammad Asif, WIPO Case No. D2022-3170 (<gbwhatsappdownload.com>).*
16. *The addition of the country code domain 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.*
17. *For reasons set out above, the Complainant submits that the Domain Name is confusingly similar to the Complainant's WHATSAPP trademark, in accordance with paragraph 4(a)(i) of the Policy.*

The Respondent has not made any submissions.

The Complainant asserts that the DDN constitutes confusing similarity with its trademark, drawing support from past decisions and the guidance contained in WIPO Overview 3.0.

In line with WIPO Overview 3.0, the test of confusing similarity requires examining the DDN alongside the textual elements of the trademark to determine whether the mark can be recognized within the DDN. On reviewing the DDN in conjunction with the Complainant's trademark "WHATSAPP," the Panel observes that the trademark is readily identifiable, notwithstanding the omission of the first "a" in "whatsapp" and the addition of the prefix "gb." The Panel accepts the Complainant's argument that a domain incorporating the entirety, or a dominant portion, of a trademark generally meets the standard for confusing similarity.

With regards to the lack of "a" in the DDN in comparison to the Complainant's trademark "WHATSAPP", it is noted that a domain name which uses a common or intentional misspelling of a trademark would still be considered confusingly similar under the Policy, as the trademark remains recognizable even with omitted, swapped, or substituted letters. For example, the omission

of the letter “a” in “whatsapp” is a typical misspelling of “WHATSAPP” that does not affect its recognizability.

The Panel has considered the authorities cited by the Complainant, including *WIPO Case No. D2016-1287* and *WIPO Case No. D2022-3170*, as well as relevant sections of WIPO Overview 3.0 (sections 1.8, 1.9, and 1.11.1). It finds that the prefix “gb” and the use of a ccTLD “.pk” (“*The applicable Top Level Domain (“TLD”) 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.”) do not negate confusing similarity. While these elements may be relevant for consideration under the remaining UDRP criteria, they do not diminish the recognition of the WHATSAPP trademark within the DDN.

Based on this assessment, the Panel concludes that the DDN is confusingly similar to the Complainant’s trademark in which the Complainant holds established rights, satisfying the first element of paragraph 4(a) of the Policy.

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).”

Paragraph 4(a)(ii) states that:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Complainant has made the following submissions:

18. *The Complainant asserts that the Respondent is unable to 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

19. *Respondent is not a licensee of the Complainant, nor has the Respondent been authorized by the Complainant to make any use of its WHATSAPP trademark, in a domain name or otherwise.*
20. *As a preliminary matter, the Complainant submits that the Respondent is unable to be viewed as a bona fide service provider, as it is not providing 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 (see WIPO Overview 3.0, section 2.8) :*
- (i) The Respondent's website purports to offer for download an unauthorized modified version of the Complainant's WhatsApp application. As such, the Respondent cannot be said to be using the website to offer the goods or services at issue, namely the WhatsApp application;*
 - (iii) The Respondent's website does not clearly disclose its lack of relationship with the Complainant as the disclaimer is not located in a prominent position. Rather, the Respondent's website prominently displays the Complainant's WHATSAPP trademark, together with variations of the Complainant's figurative trademarks and logos (see Annex 6). 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.*
21. *Furthermore, as detailed above, the Respondent's website prominently refers to the Complainant's WHATSAPP trademark and features variations of the Complainant's WhatsApp logo and figurative trademark. The Respondent's website is being used to promote the downloading of a third party modified version of WhatsApp. Prior UDRP panels have found that the use of modified versions of the WhatsApp telephone logo contributes to a risk of affiliation with the Complainant and confusion and cannot constitute bona fide use; see WhatsApp Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Mohsen Moussawi, WIPO Case No. D2021-0032 (<cyberwhatsapp.com>).*

22. *The Complainant is committed to maintaining the integrity of its WhatsApp service and does not support such third-party applications. Such use of the Domain Name therefore cannot be considered as bona fide under the Policy. See WhatsApp, LLC v. GB Apps, DNDRC Case No. 2024-0004 (<whatsappgb.pk>), WhatsApp, LLC v. GB Apps, DNDRC Case No. 2024-0008 (<gbwhatsappdownloads.pk>).*
23. *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

24. *The registrant information for the Domain Name is redacted in the publicly-available WhoIs record database (see **Annex 2**). Neither does the Respondent's website display any concrete contact details, except for the Respondent's email address. The Respondent's identity is therefore unknown to the public.*
25. *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 trademark rights.*
26. *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

27. *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.*
28. *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, WIPO Case No. DCC2024-0012 (<gbwhatsapp.cc>et al.).*
29. *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 made any submissions.

The Complainant relies on Paragraph 4(c) of the UDRP Policy to assert that the Respondent holds no legitimate interest in the DDN, contending that none of the circumstances outlined under Paragraph 4(a)(ii) apply.

Referring to Section 2.1 of WIPO Overview 3.0, the Panel notes that a Complainant may establish a *prima facie* case of the Respondent's lack of legitimate interest, which is often based on information uniquely within the Respondent's control. Once such a case is made, the burden of producing evidence shifts to the Respondent to demonstrate otherwise. Failure to meet this burden, or to submit any evidence at all, is sufficient for the Complainant to satisfy the second element of the UDRP test.

Here, the Complainant has addressed potential defenses under Paragraph 4(c) that could support the Respondent's claim to a legitimate interest which include: (i) use of the DDN in connection with a bona fide offering of goods or services; (ii) being commonly known by the DDN; and (iii) making a legitimate noncommercial or fair use of the DDN. The Complainant has shown that the Respondent does not use the DDN for any bona fide business activity, is not a licensee of the Complainant, and is instead promoting an unauthorized modified version of the WhatsApp application. Further, the Respondent's identity remains obscured in public records, and there is no indication that the Respondent is commonly known by the DDN or that any noncommercial or fair use exists.

In the absence of any evidence or rebuttal from the Respondent, the Panel finds that the Complainant has successfully established a *prima facie* case. Consequently, the Respondent is deemed not to possess any rights or legitimate interests in the DDN, in accordance with Paragraph 4(a)(ii) of the Policy (see WIPO Overview 3.0, section 2.1; *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, Case No. D2012-0285).

The Panel therefore concludes that the Respondent lacks any legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

30. *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.*
31. *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

32. *The 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 Pakistan (see **Annex 4**).*
33. *All top 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 9**.*

34. *Prior UDRP panels have repeatedly recognized the strength and renown of the Complainant's trademark and have ordered the transfer of disputed domain names to the Complainant. See for instance, *WhatsApp, Inc. v. Domain Manager, SHOUT marketing SL, and Gonzalo Gomez Rufino, River Plate Argentina, and Gonzalo Gomez Rufino, SHOUT Marketing SL, WIPO Case No. D2018-1581* (<whatsappalertas.com> et al.).*
35. *In light of the above, the Complainant submits that the Respondent could not credibly argue that it did not have knowledge of the Complainant or its WHATSAPP trademark when registering the Domain Name in 2023. See, for example, *WhatsApp Inc. v. Francisco Costa, WIPO Case No. D2015-0909* (<webwhatsapp.com>).*
36. *Further, the nature of the Respondent's website clearly demonstrates actual knowledge of the Complainant and its trademark, as it makes prominent reference to the Complainant, its WHATSAPP trademark and official application, and features variations of the Complainant's WhatsApp logo and figurative trademark. See *WIPO Overview 3.0, Section 3.2.1* and *WhatsApp, LLC v. Muhamamd Faizan Elahi, DNDRC Case No. 2025-0001* (<whatsappgb.org.pk>, registered in 2023).*
37. *Having no relationship with the Complainant or authorization to make use of its trademark in a domain name or otherwise, the Respondent has knowingly proceeded to register the Domain Name, carrying a high risk of implied affiliation with the Complainant, in bad faith.*

Use in bad faith

38. *Given the confusing similarity between the Domain Name and the Complainant's trademark, and the content of the Respondent's website as described above, in the absence of a prominent disclaimer clarifying the 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 the case. Prior UDRP Panels have found that the use of a domain name to mislead Internet users constitutes evidence of bad faith; see WhatsApp Inc. v. Edwin Lizcano, Inversiones Capira SAS, WIPO Case No. D2019-1700 (<maswhatsapp.com>).*
39. *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 owner of such third-party application ultimately derives commercial advantage from the Respondent's unauthorized use of the Complainant's trademark 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.*
40. *The Complainant therefore submits that by using the Domain Name in this fashion, the Respondent intentionally attempts to attract, for commercial gain, Internet users to its website 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. Asif Ali, DNDRC Case No. 2025-0002 (<gbwhatsapp.com.pk>)*
41. *and 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.).*
42. *Furthermore, the promotion of an unauthorized modified APK version of the WhatsApp application 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 trademark 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.).

43. Additionally, although the Respondent's website features disclaimer-like wording, it is not clearly visible, being on the tab "Navigation" in the link to the disclaimer page. The Complainant submits that even if a clearly visible disclaimer had been featured on the Respondent's website, it would not have been sufficient to cure the Respondent's bad faith. See *Cable News Network, Inc. v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Vitalii Yuhimyuk, WIPO Case No. D2018-2099* (<cnnlivestream.com>).
44. Finally, the Respondent's failure to respond to the Complainant's explicit cease and desist letter sent prior to the filing of this Complaint may be viewed as an additional indication of the Respondent's bad faith. See *Samsung Electronics Co., Ltd. v. EAO Digital Solutions, WIPO Case No. D2012-069320*.
45. In view of the 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 made any submissions.

The Complainant submits that the Respondent registered and is using the DDN in bad faith, highlighting that the Respondent had no authorization to use the Complainant's WHATSAPP trademark and is exploiting the DDN to mislead consumers, disrupt the Complainant's business, and derive unlawful commercial gain.

The Panel accepts the Complainant's contention that the Respondent was aware, or ought to have been aware, of the Complainant's trademark at the time of registration. Section 3.2.2 of WIPO Overview 3.0 establishes that, for well-known marks, a respondent is presumed to have knowledge of the complainant's rights. The Panel also notes the reasoning in *WIPO Case No. D2015-0909 (WhatsApp Inc. v. Francisco Costa)*, which supports the conclusion that even a basic online search would have revealed the existence, reputation, and prominence of the Complainant's WHATSAPP mark at the time of registration in 2023.

This presumption is reinforced by the Respondent's use of the Complainant's WHATSAPP trademark and related logos on the website, promoting an unauthorized modified version of the WhatsApp application, without submitting any response or evidence to dispute the Complainant's claims. While knowledge of the Complainant's trademark alone does not automatically establish bad faith, it is a significant factor when considered alongside other circumstances outlined in Paragraph 4(b) of the UDRP Policy. The Panel notes that prior decisions, including *Amazon.com, Inc. v. Wes Mayder, WeDirect, Inc. and Iclicks, WIPO Case No. D2003-0258*, recognize these circumstances as constituting evidence of bad faith registration and use.

Specifically, the Complainant invokes Paragraph 4(b)(iv) of the Policy, which contemplates registration and use of a domain name to intentionally attract internet users for commercial gain by creating a likelihood of confusion with the complainant's trademark. The Panel has already determined that the DDN is confusingly similar to the Complainant's WHATSAPP mark. The Respondent's website further reinforces the likelihood of confusion by prominently displaying the Complainant's mark and logos, directing users to download an unauthorized third-party modified application. In this context, the Respondent's conduct reflects willful blindness to the Complainant's rights, consistent with Section 3.2.1 of WIPO Overview 3.0.

With regard to commercial gain, Section 2.5.3 of WIPO Overview 3.0 clarifies that such gain need not be strictly financial; it includes reputational advantage or leverage derived from the association with the trademark. Here, the Respondent's use of the DDN and associated website likely results in commercial advantage by diverting users to the third-party application and generating reputational or other indirect benefits attributable to the misappropriation of the Complainant's mark. Prior panels have reached similar conclusions in cases involving unauthorized modified applications, including *MasterCard International Incorporated v. Wavepass AS*, WIPO Case No. D2012-1765.

Furthermore, the Respondent's website includes only a minimally visible disclaimer buried under a navigation tab, insufficient to mitigate the likelihood of confusion. The Panel also considers the Respondent's failure to respond to the Complainant's pre-filing cease-and-desist notice as further evidence of bad faith, consistent with *Samsung Electronics Co., Ltd. v. EAO Digital Solutions*, WIPO Case No. D2012-0693.

In light of the above, the Panel concludes that the DDN was both registered and is being used in bad faith in accordance with Paragraph 4(a)(iii) of the UDRP Policy.

7. 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 that the Respondent has no trademark rights over it. Therefore, the continuous use of the DDN would adversely impact the exercise of the Complainant's trademark rights, despite being in a separate jurisdiction, and could also jeopardize the reputation of the Complainant by creating confusion regarding the ownership and legitimacy of the DDN.

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

1. The Respondent's registration of the DDN does not contravene 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 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: Muhammad Amaan Latif

Sole Panelist Date: 06 September 2025