



Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0023

Also in PDF C2025-0023

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.org.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 being unknown and that the email address provided at the time of registration of the DDN 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 24 March 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. A reminder was sent to the Respondent on 25 April 2025.

The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 14 July 2025. The arbitrator completed the review and issued a decision on 15 September 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 17 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. 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 the 2nd most downloaded application in Pakistan and 4th in the world as per Data.ai's Top Apps Rankings in 2024.*

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 ranking 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 trade mark under a wide range of generic Top-Level 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 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 has secured ownership of numerous trade mark 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 currently points to a website at <https://gbwhatsapp.org.pk/> (the **Respondent's website**) which promotes and offers for download a modified APK version of WhatsApp known as "GB WhatsApp". The Respondent's website features the following wording):*

"GB WhatsApp Apk

It is the new and updated version of the original app, which is designed to available extra comfortable function to users. AlexModes is the developer of the latest version of GBWhatsApp. This application is becoming many well known day by day because the updated version of the app contains more features than the official WhatsApp."

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

7. *In addition, 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



8. *The Respondent's website makes prominent reference to the Complainant's WHATSAPP trade mark.*
9. *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**.*

10. *As explained in more detail 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 Services (see <https://www.whatsapp.com/legal/terms-of-service>).*

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

11. *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 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 / trade mark?
- 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 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 DDN 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 of “gb” and “s” 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:

12. *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.*
13. *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.*
14. *The Domain Name comprises the Complainant's WHATSAPP trade mark in its entirety, which is prefixed with two letters "gb" and suffixed with the letter "s", under the country code domain extension "org.pk".*
15. *As stated in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("**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."
16. *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.*
17. *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. The nature of such additional term(s) may however bear on assessment of the second and third elements"
18. *The Complainant submits that the mere addition of the prefix "gb" and the suffix "s" in the Domain Name does not prevent a finding of confusing similarity with the Complainant's WHATSAPP trade mark, which remains recognizable in the Domain Name. See WhatsApp LLC v. Younus Waqar, DNDRC Case No. 2024-0009 (<gbwhatsapps.pk>).*

19. *The addition of the country code domain extension “.org.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.*
20. *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.

To clarify, the Complainant has contended, firstly, that the DDN is confusingly similar to the Complainant’s trademark. The Panel, in exercising the test of identicalness or confusing similarity must determine whether the DDN will be considered as similar to the registered trademark, the first portion of the test will be to determine whether the Complainant’s mark is recognizable in the within the disputed domain name as stated in Section 1.7 of the WIPO Overview which states; *“This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name”*.

Since the whole name of “WhatsApp” has been used in the DDN, the first condition of the test of confusing similarity is fulfilled.

Also, provided in the complainant’s contentions, is the above section of the WIPO Overview which states that; *“[...] 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.”*. The afore-mentioned guideline clarifies that a DDN will be found as confusingly similar if a “dominant feature” of the trademark is used which, in this case is the term “WhatsApp”.

This is subsequent proof that a dominant feature has been incorporated which will be used to justify the DDN being confusingly similar to the trademark.

For further consideration, the Panel takes the prefix and suffix, “gb” and “s”, respectively, into consideration. To provide validity to the finding of confusing similarity, the Panel considers the prefix and suffix of; “gb” and “s” under the test provided in Section 1.8 of the WIPO Overview 3.0 where it is ascertained that addition of such terms would not prevent or diminish a finding of confusing similarity.

The Panel, further cites the case of *WhatsApp LLC v Yunus Waqar*, DNDRC Case No. 2024-0009 (<gbwhatsapp.pk>) to validate the finding of confusing similarity in this instance.

Furthermore, the Panel concurs that the inclusion of “.org.pk”, is a country code domain extension and may be disregarded for assessment under this element since it is simply a standard requirement of registration, according to WIPO Overview 3.0 Section 1.11.1.

Consequently, the Panel concludes that the DDN is confusingly similar to the Complainant’s trademark in which the Complainant holds complete legal rights, without any vagueness.

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:

21. *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

22. *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.*

23. *As a preliminary matter, the Complainant submits that the Respondent cannot 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:

- 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.*

*24. In addition to the absence of 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 speech bubble logo, for the purposes of promoting a modified WhatsApp APK (see **Annex 6**). Prior panels have held that such use cannot be considered as bona fide use within the meaning of paragraph 4(c)(i) of the Policy, as it is clear that the Respondent deliberately designed the Respondent's website to create a give the false impression to Internet users that they have reached the Respondent's website affiliated with or endorsed by the Complainant, and the modified WhatsApp APK provided on the Respondent's website are authorized by or otherwise 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.) and WhatsApp, Inc. v Nasser Bahaj, WIPO Case No. D2016-0581 (<ogwhatsapp.org> et al).

*25. 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, transfer, display, perform, or otherwise exploit our Services in impermissible or unauthorized manners, or in ways that burden, impair or harm us, our Services, systems, our users, or others, 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)*

26. *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, does not amount to a bona fide offering of goods and services under paragraph 4(c)(i) of the Policy.*

See WhatsApp, Inc. v. Nasser Bahaj, supra, WhatsApp LLC v. GB Apps, DNDRC Case No. 2024-0004 (<whatsappgb.pk>), WhatsApp, LLC v. GB Apps, DNDRC Case No. 2024-0008 (<gbwhatsappdownloads.pk>) and WhatsApp, Inc. v. Abdallah Almqbali, supra.

27. *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

28. *The Respondent cannot legitimately claim that it is commonly known by the Domain Name, in accordance with paragraph 4(c)(ii) of the Policy.*
29. *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.*
30. *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 "GBWHATSAPPS", as reflected in the Domain Name.*
31. *Furthermore, the Respondent's use of the Domain Name to promote an unauthorized 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.*

32. *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

33. *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.*

34. *The Respondent's use of the Domain Name to purport to offer for download unauthorized modified versions 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.).*

35. *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 has contended that the Respondent has no legitimate interest in the DDN, under paragraph 4 (c) (iii) of the Policy. Initially the burden of proof fell on the Complainant to prove lack of legitimate interests, for which the Complainant contends that the Respondent was not using the DDN for *bona fide* purposes, nor was he commonly known by the DDN, nor was he making legitimate non- commercial, fair use of the DDN.

Due to the above reason(s), the burden of proof has now shifted to the Respondent to prove that they do have legitimate interest in the DDN. Under the present circumstances, due to a lack of response from the Respondent, the Panel finds it appropriate to declare the second element in favor of the Complainant, in accordance with Section 2.1 of the WIPO Overview 3.0.

Considering all the above arguments, the Panel therefore deduces 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:

36. *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.*
37. *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

38. *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**)*
39. *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 8**.*
40. *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>).*

41. *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, featured very similar logos 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.), WhatsApp Inc. v. Super Privacy Service LTD c/o Dynadot, WIPO Case No. D2019-2519 (<novinhasdowhatsapp.com>).*
42. *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

43. *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.*
44. *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 such third-party applications 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*
45. *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, supra, 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.

- 46. 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.).*
- 47. 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.

In light of the contentions made by the Complainant, and reiterated above, the Panel has to deduce whether the Respondent, had bad faith at the time of registering and while using the DDN.

The Panel finds it improbable that the Respondent did not know of the Complainant's trademark while registering and/ or making use of the DDN, since it incorporates the entirety of the trademark as concluded above. The inference is that the Respondent registered and uses the DDN to take unfair advantage of the Complainant's goodwill and prominence, indicating bad faith (see WIPO Overview 3.0 Section 3.2.2).

Furthermore, the website of the Respondent, as provided in Annex 6, clearly states that it is a third party, modified version of WhatsApp with additional customizations and features. This demonstrates how there can be no doubt that the Respondent knew of the trademark while using it as well. Due to the long standing use of the trademark by the Complainant, it has become

exclusively associated with the Complainant. [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. (WIPO Overview 3.0 Section 3.2.1).

Considering how the Respondent's website, diverts already existing or potential consumers of WhatsApp to an unauthorized, unlicensed version of the Complainant's application, used by billions of users worldwide. The Panel considers that this implies a potential risk that such applications be used to phish and/ or pharm for a user's personal data, or may cause users to download malware. Such a finding also, does not prevent a finding of bad faith [See *WIPO Case No. D2024-2999* (<anwhatsapp.pro> et al.)].

Conclusively, the Panel finds that, according to the evidence(s) mentioned above, 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, 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 trademark 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 of the above discussion(s) 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.org.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: 17 September 2025