

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0029

Also in PDF C2025-0029

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 <aerowhatsapp.com.pk>, <aerowhatsapp.net.pk>, <aerowhatsapp.pk>, <fmwhatsapp.com.pk>, <fouadwhatsapp.pk>, <ogwhatsapp.pk>, <whatsappplus.com.pk>, <whatsappplus.net.pk>, <whatsappplus.org.pk>, <yowhatsapp.com.pk>, <yowhatsapp.net.pk>, <yowhatsapp.org.pk>, <yowhatsapp.pk> hereinafter referred to as the Disputed Domain Names [DDNs].

PKNIC has informed DNDRC that the DDNs are registered by Bravo with the contact name Bravo Brian, with their address at Thokar Niaz Baig, Lahore and that the email address provided at the time of registration of the DDNs is bravoofficialx@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 7 August 2025. An administrative review of the Complaint was conducted and completed on 25 August 2025, following which the Complainant was notified of the compliance review's completion and the subsequent procedural requirements on 25 August 2025.

Upon the Complainant's fulfillment of the procedural requirements on 03 September 2025, DNDRC formally requested the Respondent's registration details from PKNIC on 05 September 2025. PKNIC provided the requested details on 14 September 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 17 September 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 issued to the Respondent on 20 September 2025 and a second reminder was issued to the Respondent on 26 September 2025.

The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 22 October 2025. The arbitrator completed the review and issued a decision on 07 November 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 08 November 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

6. *The Complainant, WhatsApp, LLC, is a provider of one of the world's most popular mobile messaging applications (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..*
7. *Since its launch in 2009, WhatsApp has become one of the fastest growing and most popular mobile applications in the world, over 2.8 billion monthly active users worldwide in January 2024. WhatsApp has acquired considerable reputation and goodwill worldwide, including*

in Pakistan. WhatsApp is one of the most downloaded applications both in Pakistan and globally

Screen captures of the Complainant's website and information on the Complainant, including its Wikipedia entry, press articles on Meta's acquisition of WhatsApp, its application rankings and rapid growth and popularity worldwide, including in Pakistan are provided as **Annex 5**.

8. 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 as well as under numerous country code Top Level Domains (**ccTLDs**). For instance, <whatsapp.com>, <whatsapp.net>, <whatsapp.org>, <**whatsapp.pk**> and <**whatsapp.com.pk**> (**Pakistan**).

Copies of the WhoIs records for selected domain names comprising the Complainant's WHATSAPP trade mark are provided as **Annex 6**.

The Domain Names and the Respondent's websites

9. The Domain Names resolve to websites, with similar layouts, that purport to offer for download unauthorized modified APK versions of the WhatsApp app. Together, the websites to which the Domain Names resolved are referred to as the **Respondent's websites**.
10. The Respondent's websites contain tutorials on how to download and install the unauthorized APK versions of WhatsApp app.
11. The Respondent's websites display the Complainant's WHATSAPP trade mark, and feature variations of the Complainant's figurative trade mark, which also appear as favicons, as follows:



12. The websites at the following Domain Names make use of a similar green-and-white colour scheme used by the Complainant: <aerowhatsapp.com.pk>, <aerowhatsapp.net.pk>, <aerowhatsapp.pk>, <fmwhatsapp.com.pk>, <fouadwhatsapp.pk>, <ogwhatsapp.pk>.

13. *The websites at the following Domain Names feature disclaimers as to the lack of relationship with the Complainant, which are accessible either within the main body of the homepages or at the bottom of the pages: <aerowhatsapp.com.pk>, <aerowhatsapp.net.pk>, <fmwhatsapp.com.pk>, <ogwhatsapp.pk>, <whatsappplus.net.pk>, <yowhatsapp.com.pk> and <yowhatsapp.org.pk>.*
14. *The websites at the following Domain Names feature no disclaimer as to the lack of relationship with the Complainant: <aerowhatsapp.pk>, <fouadwhatsapp.pk>, <whatsappplus.com.pk>, <whatsappplus.org.pk>, <yowhatsapp.net.pk>, <yowhatsapp.pk>*
15. *The Complainant submits the present Complaint requesting transfer of the Domain Names 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 Names 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 DDNs infringes upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DDNs is bona fide?
- iii. Whether the application and/or registration of the DDNs contravene the Pakistan Penal Code, 1860 (the "Penal Code") or any applicable criminal law?

The Complainant has submitted the following:

7 COMPLAINT:

This Complaint is based on the following trade mark registrations:

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

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

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

*Copies of the abovementioned trade marks are provided as **Annex 4**.*

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 DDNs infringe upon those rights.

While, the DDNs incorporate the entire trademark in them, the Complainant has not advanced any submissions addressing whether the prefix and suffixes of “aero”, “yo”, “plus”, among others in the DDNs, 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:

- 16. 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 names are identical or confusingly similar to that trade mark or service mark.*
- 17. The Complainant owns numerous trade mark registrations for WHATSAPP in jurisdictions throughout the world, including in Pakistan (**Annex 4**). The Complainant has therefore established trade mark rights in WHATSAPP for the purposes of paragraph 4(a)(i) of the Policy. .*
- 18. The Domain Names incorporate the WHATSAPP trade mark with the addition of the following terms/letters, under the following extensions:*

Domain Name	Additional letters/terms	ccTLD/country code domain extension
<aerowhatsapp.com.pk>	"aero"	.com.pk
<aerowhatsapp.net.pk>	"aero"	.net.pk
<aerowhatsapp.pk>	"aero"	.pk
<fmwhatsapp.com.pk>	"fm"	.com.pk
<fouadwhatsapp.pk>	"fouad"	.pk
<ogwhatsapp.pk>	"og"	.pk
<whatsappplus.com.pk>	"plus"	.com.pk
<whatsappplus.net.pk>	"plus"	.net.pk
<whatsappplus.org.pk>	"plus"	.org.pk
<yowhatsapp.com.pk>	"yo"	.com.pk
<yowhatsapp.net.pk>	"yo"	.net.pk
<yowhatsapp.org.pk>	"yo"	.org.pk
<yowhatsapp.pk>	"yo"	.pk

19. *As stated in WIPO Overview 3.0, section 1.7:*

"[...] in cases where a domain name incorporates the entirety of a trade mark, 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."

20. *The Complainant submits that the presence of its WHATSAPP trade mark in the Domain Names is sufficient to establish confusing similarity between the Domain Names and the Complainant's trade mark.*

21. *As stated in WIPO Overview 3.0, section 1.8:*

"Where the relevant trade mark 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."

22. *The Complainant submits that the addition of the letters/terms as detailed above does not prevent a finding of confusing similarity with the Complainant's WHATSAPP trade mark, which remains clearly recognizable in the Domain Names. Prior UDRP panels have found similarly-constructed domain names to be confusingly similar to the trade mark at issue. See WhatsApp, Inc. v. Adila Ayaz, Freelance, WIPO Case No. D2024-2999 (<anwhatsapp.pro> et al.) and WhatsApp LLC v. Younus Waqar, DNDRC Case No. 2024-0009 (<gbwhatsapp.pk>).*

23. *The addition of the ccTLD ".pk" or the applicable country code domain extensions may be disregarded for the purposes of assessment under the first element, as they are viewed as a standard requirement of registration; see WIPO Overview 3.0, section 1.11.1.*

24. *For reasons set out above, the Complainant submits that the Domain Names are 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.

In accordance with the contentions of the Complainant, the standard test for confusing similarity lies within WIPO Overview 3.0 (Section 1.7 and 1.8) where the domain names are generally found to be confusingly similar to a trademark, if they adopt the entirety or a major portion of the trademark, regardless if any other terms; whether descriptive, pejorative or otherwise are added alongside them. A side-by-side comparison of the DDNs and the Complainant's mark would normally reveal whether the DDNs are confusingly similar to the DDNs.

In the current case, the DDNs incorporate several suffixes and prefixed including "aero", "yo" "plus", "og" and others however the dominant and prominent part of the DDNs constitute the registered mark of the Complainant i.e., "WHATSAPP". Accordingly, the DDNs fall square with the test endorsed under the WIPO Overview 3.0 and supports the finding of confusing similarity.

The Panel agrees with the Complainant that for the purposes of assessment under the current UDRP criterion, ccTLDs such as ".pk" are normally disregarded as they are a standard requirement of registration.

The Panel therefore, concludes that the DDNs are 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:

25. *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 Names.*
26. *The Respondent is not a licensee of the Complainant. The Respondent is not affiliated with the Complainant in any way, nor has the Complainant authorized the Respondent to make any*

use of its WHATSAPP trade mark, in a domain name or otherwise 13. See *WhatsApp LLC v. GB Apps*, DNDRC Case No. 2024-0004 (<whatsappgb.pk>).

27. As noted above, the Respondent's websites purport to offer for download unauthorized modified versions of the WhatsApp app. Prior panels have recognized that resellers or service providers using a domain name containing a third-party trade mark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name. Whether or not this is the case may be measured against the list of factors set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 (<okidataparts.com>) (the "Oki Data criteria"):

(i) the respondent must actually be offering the goods or services at issue;

(ii) the respondent must use the site to sell only the trade marked goods or services;

(iii) the site must accurately and prominently disclose the registrant's relationship with the trade mark holder; and

(iv) the respondent must not try to "corner the market" in a domain name that reflects the trade mark.

See also WIPO Overview 3.0, section 2.8.

28. As a preliminary matter, the Complainant submits that the Respondent cannot be viewed as a bona fide service provider as it does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent purports to offer for download unauthorized APK versions of the Complainant's WhatsApp application using the Complainant's WHATSAPP trade mark. Nevertheless, if one is to apply the Oki Data criteria, the Respondent fails to fulfil the first, third and fourth Oki Data criteria, specifically:

(i) The Respondent's websites purport to offer for download unauthorized modified versions of the Complainant's WhatsApp application. As such, the Respondent cannot be said to be using the Domain Names to offer the goods or services at issue, namely the WhatsApp application.

(ii) Although the websites at the following Domain Names: <aerowhatsapp.com.pk>, <aerowhatsapp.net.pk>, <fmwhatsapp.com.pk>, <ogwhatsapp.pk>, <whatsappplus.net.pk>, <yowhatsapp.com.pk> and <yowhatsapp.org.pk> feature disclaimer-like statements, the Respondent fails to accurately and prominently disclose its relationship with the Complainant. Indeed, such statements are not prominently displayed, being accessible

either in question-and-answer sections or at the bottom of the homepages. In addition, the websites prominently display the Complainant's WHATSAPP trade mark, with variations of the Complainant's figurative trade mark. The websites may therefore mislead Internet users into believing that they are operated or authorized by the Complainant, when in fact they are not.

- 29. Moreover, as detailed above, the Respondent's websites feature the Complainant's WHATSAPP trade mark as well as logos and favicons that are very similar to the Complainant's figurative trade mark and WhatsApp telephone logo, to promote the downloading of a third-party modified versions of the Complainant's WhatsApp application (see Annex 3).*
- 30. 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, (<cyberwhatsapp.com>).*
- 31. Furthermore, the Complainant submits that the Respondent's use of the Domain Names, to purport to offer unauthorized versions of the Complainant's WhatsApp app, developed by a third party, violates the WhatsApp Terms of Service.*
- 32. The Complainant is committed to maintaining the integrity of its WhatsApp service and does not support such third-party applications. Prior UDRP panels have held that use of a domain name to offer such modified unauthorized APK versions of the Complainant's WhatsApp application does not give rise to any rights or legitimate interests in the concerned domain name. See WhatsApp LLC v. vincent lai, yh tec, WIPO Case No. D2024-2974 (<gbwhatsapp.dev>) and (<gbwhatsappdownloads.pk>).*
- 33. The Complainant therefore submits that the Respondent is not using the Domain Names 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 Names

- 34. The registrant information for the Domain Names is redacted in the publicly available WhoIs records (see Annex 2). Moreover, the Respondent's websites do not display any contact details, apart from generic "support" email addresses. The Respondent's identity is therefore unknown.*

35. *To the best of the Complainant's knowledge, there is no evidence of the Respondent having obtained or applied for any trade mark registration or similar right for "whatsapp" or any variation thereof, as reflected in the Domain Names.*
36. *Furthermore, the Respondent's use of the Domain Names to promote unauthorized WhatsApp APKs does not support any reasonable claim of being commonly known by the Domain Names, nor does it give rise to any reputation in the Domain Names themselves, independent of the Complainant's trade mark rights.*
37. *The Respondent therefore cannot legitimately claim that it is commonly known by the Domain Names, in accordance with paragraph 4(c)(ii) of the Policy.*

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

38. *Nor is the Respondent currently making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert consumers within the meaning of paragraph 4(c)(iii) of the Policy.*
39. *The Respondent's use of the Domain Names to purport to offer for download unauthorized modified versions of the WhatsApp app 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.)*
40. *Therefore, the Complainant has established a prima facie showing that the Respondent lacks rights or legitimate interests in the Domain Names. 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 Panel refers to Section 2.1 of the WIPO Overview 3.0, which emphasizes that demonstrating a negative, such as the Respondent's lack of legitimate interest, involves information uniquely within the Respondent's knowledge. As such, it is sufficient for a Complainant to establish a prima facie case of no rights or legitimate interests, thereby shifting the burden of proof to the Respondent to produce evidence demonstrating otherwise.

Where the Respondent fails to meet this burden or does not address the issue, the Complainant is deemed to have satisfied the second element. In this case, although the Complainant addressed the three possible defenses under Paragraph 4(c) that could support a claim of legitimate interest, the establishment of a prima facie case was itself sufficient to shift the evidentiary burden. The Respondent's failure to offer any rebuttal or supporting evidence means he did not discharge this burden and in turn resulted in the satisfaction of this criterion (See *Wal-Mart Stores, Inc. v. WalMart Careers, Inc. Case No. D2012-0285*).

Considering all the above arguments, the Panel therefore deduces that the Respondent does not have any legitimate interest in the DDNs.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

41. *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.*
42. *The Complainant submits that paragraph 4(b)(iv) of the Policy is of particular relevance in the present case, although there are other factors not listed in paragraph 4(b) of the Policy that further indicate bad faith, as explained in more detail below.*

Registration in bad faith

43. *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 (**Annex 5**).*
44. *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 9**.*
45. *The Complainant's WHATSAPP trade mark is a coined term, exclusively associated with the Complainant and its messaging services. Given the Complainant's renown and goodwill worldwide and particularly its popularity and trade mark rights, well established prior to the registration of the Domain Names, it would be inconceivable for the Respondent to argue*

that it did not have knowledge of the Complainant's WHATSAPP trade mark when it registered the Domain Names in 2025. See WhatsApp Inc. v. Francisco Costa, WIPO Case No. D2015-0909 (<webwhatsapp.com>).

46. *The content of the Respondent's website clearly demonstrates the Respondent's knowledge of the Complainant and its trade marks, as it makes multiple references to the Complainant, features variations of the Complainant's WhatsApp logo and figurative trade mark and purports to offer for download unauthorized versions of the Complainant's application. All these factors clearly indicate the Respondent's intent to target the Complainant's trade marks at the time of registration of the Domain Names. See WIPO Overview 3.0, Section 3.2.1 and WhatsApp, LLC v. Muhamamd Faizan Elahi, DNDRC Case No. 2025-0001 (<whatsappgb.org.pk>).*
47. *The Complainant further submits that by registering 13 Domain Names each targeting the Complainant's WHATSAPP trade mark, the Respondent has engaged in a bad-faith pattern of abusive domain name registration, further highlighting the Respondent's bad faith. See Equifax Inc. v. Administrator, Modern Empire Internet Ltd., WIPO Case No. D2022-3524 (<eqfax.com>).*
48. *The Complainant submits that the Respondent registered the Domain Names not only with full knowledge of the Complainant's rights but also with the intent to attract Internet users to the Respondent's websites for the promotion of unauthorized versions of the Complainant's application, in bad faith.*

Use in bad faith

49. *The Respondent's websites offer for download unauthorized modified versions of the WhatsApp application, developed by a third party. It is more likely than not that the owner of such third-party applications derives commercial advantage from the Respondent's unauthorized use of the Complainant's trade mark in the Domain Names and on its websites. 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. See WhatsApp, LLC v. Asif Ali, DNDRC Case No. 2025-0002 (<gbwhatsapp.com.pk>).*
50. *The Complainant therefore submits that by using the Domain Names in this fashion, the Respondent is intentionally attempting to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion as to the source, sponsorship,*

affiliation, or endorsement of the Respondent's websites and the goods and services marketed therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy. See WhatsApp LLC v. Gulsher Khan, WIPO Case No. D2024-0910 (<gbwhatsappdownloadapk.net> et al.) and WhatsApp Inc. v. Edwin Lizcano, Inversiones Capira SAS, WIPO Case No. D2019-1700 (<maswhatsapp.com>).

- 51. Furthermore, the promotion of unauthorized modified APK versions of the WhatsApp application not only violates the WhatsApp Terms of Service but also places the security of WhatsApp users at risk. The Respondent's use of the Domain Names to offer unauthorized APKs under the Complainant's trade mark disrupts the Complainant's business by driving WhatsApp users to third-party applications. 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 (<gbwhatsappplus.org> et al.)*
- 52. Although the websites at the following domain names: <aerowhatsapp.com.pk>, <aerowhatsapp.net.pk>, <fmwhatsapp.com.pk>, <ogwhatsapp.pk>, <whatsappplus.net.pk>, <yowhatsapp.com.pk> and <yowhatsapp.org.pk> feature disclaimer-like statements, they are not displayed prominently. The Complainant submits that even if a prominent and clearly-worded disclaimer had been featured on the Respondent's websites, it would not have been sufficient to cure the Respondent's illegitimate use of the Domain Names; see WO3, section 3.7. See also Instagram, LLC v. Protection of Private Person / Yurii Shemetilo / Olha, WIPO Case No. D2022-2832 (<insta-stories.online> et al.)*
- 53. In view of the above, the Complainant submits that the Domain Names were registered and are 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 DDNs were initially, registered and are being currently used in bad faith. While the Panel has already concurred and recognized the renown and goodwill, that the Complainant has acquired over the years of being a cross- platform messaging application, it almost unreasonable and unjustifiable to argue that the Respondent may not have heard of, or have the knowledge of the Complainant's existence in the market and henceforth, their ownership of the mark, which is an indication of bad faith. (See WIPO Overview 3.0 Section 3.2.2)

In addition to the above, the clear incorporation of the Complainant's colour scheme and logo designs in their favicon, furthers the above argument. This also solidifies the Respondent's intent to duplicate the appearance and outlook of the Complainant's website in order, which exhibits

prior knowledge of the Respondent lacking good faith at the time of the registration. (See *WhatsApp LLC v. Gulsher Khan WIPO Case No. D2024- 0910*)

The clear purported affiliation of the Respondent's DDNs with the Complainant's mark is a clear indication that the Respondent is trying to attract internet users to their website, by creating a likelihood of confusion between the mark and the DDNs, so that the user would download their third-party WhatsApp applications, which prior UDRP Panels have found to be further evidence of the existence of bad faith. (See WIPO Overview 3.2.1).

A further evidence of bad faith is illustrated by the fact that the Respondent registered 13 DDNs, each of which is in some regard, constituting or incorporating the Complainant's mark, which highlights a pattern of the Respondent registering abusive domain names supporting the finding of bad faith. This phenomena is considered as "wilful blindness" since the Respondent neglected checking his DDNs against already registered trademarks to avoid registering trademark- abusive DDNs infringing upon an established mark (See WIPO Overview 3.0 Section 3.2.3)

Accordingly, the Panel concludes that the Respondent both; registered, and is using the DDNS 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 DDNs may adversely affect the business and could jeopardize the reputation of the complainant by amounting to confusion of ownership of the DDNs even if they might be situated in different and seperate 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 DDNs do not violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDNs are confusingly similar to the registered trademark of the Complainant;

3. The Respondent has no legitimate interest in the DDNS;
4. The DDNs 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 following DDNs 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:

1. <aerowhatsapp.com.pk>
2. <aerowhatsapp.net.pk>
3. <aerowhatsapp.pk>
4. <fmwhatsapp.com.pk>
5. <fouadwhatsapp.pk>
6. <ogwhatsapp.pk>
7. <whatsappplus.com.pk>
8. <whatsappplus.net.pk>
9. <whatsappplus.org.pk>
10. <yowhatsapp.com.pk>
11. <yowhatsapp.net.pk>
12. <yowhatsapp.org.pk>,
13. <yowhatsapp.pk>

The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator: Ardavan D. Solan

Sole Panelist

Date: 07 November 2025