

ADMINISTRATIVE PANEL DECISION

WhatsApp LLC v. Siva Prasad Reddy
Case No. D2022-0456

1. The Parties

Complainant is WhatsApp LLC, United States of America (“United States”), represented by Tucker Ellis, LLP, United States.

Respondent is Siva Prasad Reddy, India.

2. The Domain Name and Registrar

The disputed domain name <whatsappstatusviews.com> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2022. On February 10, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 2022, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 15, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 15, 2022. An email was received from Respondent on March 18, 2022, stating that it would disable the disputed domain name. The Center transmitted its possible settlement email. A suspension of proceeding, however, was not requested, so that the Center proceeded to the Panel appointment.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on April 7, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and

Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant is a company organized under the laws of the United States, which operates the well-known “WhatsApp” messaging and voice over IP service and mobile application.

Complainant has evidenced to be the registered owner of numerous trademarks relating to its company name and brand WHATSAPP, *inter alia*, the following:

- Word Mark WHATSAPP, United States Patent and Trademark Office (USPTO), registration number: 3939463, registration date: April 5, 2011, status: active;
- Word Mark WHATSAPP, USPTO, registration number: 4083272, registration date: January 10, 2012, status: active;
- Word Mark WHATSAPP, Intellectual Property India, registration number: 2149059, registration date: May 24, 2011, status: active.

Moreover, Complainant has demonstrated to own numerous domain names consisting of the WHATSAPP trademark, *inter alia*, the domain name <whatsapp.com>, which resolves to Complainant’s main website at “www.whatsapp.com”, used to promote and offer Complainant’s various services in the mobile application industry.

Respondent, according to the Whois information for the disputed domain name, is a resident of India who registered the disputed domain name on August 12, 2020, which by the time of the rendering of this decision resolves to a default page provided by the Registrar. Complainant, however, has evidenced that, at some point before the filing of the Complaint, the disputed domain name resolved to a website at “www.whatsappstatusviews.com”, which somehow impersonated Complainant and prompted prospective consumers to hand down sensitive user data such as their WhatsApp numbers.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties’ Contentions

A. Complainant

Complainant contends to be a global leader in messaging services for mobile devices, with over 2 billion people in our 180 countries now using WhatsApp to stay in touch with friends and family via free messages and calling. In recent years, the WhatsApp mobile application has consistently ranked among the top apps in the market.

Complainant submits that the disputed domain name is confusingly similar to Complainant’s WHATSAPP trademark, as it incorporates the latter in its entirety with the descriptive phrase “status views” not serving sufficiently to distinguish or differentiate the disputed domain name from Complainant’s famous trademark. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Complainant has neither licensed nor authorized Respondent to use Complainant’s trademark, nor does Respondent have any legal relationship with Complainant that would entitle Respondent to use such trademark, and (2) rather Respondent is using the disputed domain name to impersonate Complainant in connection with its phishing scheme tricking Complainant’s consumers into providing their WhatsApp numbers to Respondent. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) it is well settled that the registration of a confusingly similar domain name that is obviously connected with a particular trademark owner, by someone with no connection with the trademark, suggests bad faith, and (2) Respondent has registered the

confusingly similar disputed domain name and uses it to impersonate Complainant and to trick its consumers into providing their WhatsApp information.

B. Respondent

Respondent did not formally reply to Complainant's contentions, but stated in its email communication to the Center of March 18, 2022, that it would disable the disputed domain name.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's formal default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name is confusingly similar to the WHATSAPP trademark in which Complainant has rights.

The disputed domain name incorporates the WHATSAPP trademark in its entirety. Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, 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 trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, it has been held in many UDRP decisions and has become a consensus view among panelists (see [WIPO Overview 3.0](#), section 1.8), that the addition of other terms (whether *e.g.* descriptive or otherwise) would not prevent the finding of confusing similarity under the first element of the UDRP. Accordingly, the addition of the terms "status views" does not prevent the confusing similarity arising from the incorporation of Complainant's WHATSAPP trademark in the disputed domain name.

Therefore, Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name, nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent obviously has not been authorized to use Complainant's WHATSAPP trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "WhatsApp". On the contrary, it appears that at some point before the filing of the Complaint, Respondent let the disputed domain name resolve to a website at "www.whatsappstatusviews.com", which somehow impersonated Complainant and prompted prospective

consumers to hand down sensitive user data such as their WhatsApp numbers, most likely for fraudulent purposes. Such use of the disputed domain name obviously neither qualifies as *bona fide* nor as legitimate noncommercial or fair within the meaning of the Policy.

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in respect of the disputed domain name. Now, the burden of production shifts to Respondent to come forward with appropriate allegations or evidence demonstrating to the contrary (see [WIPO Overview 3.0](#), section 2.1). Given that Respondent did not formally respond to the Complaint, but merely stated in its email communication to the Center of March 18, 2022, that it would disable the disputed domain name, it has not met that burden.

Therefore, the Panel finds that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

The circumstances to this case leave no doubt that Respondent was fully aware of Complainant's rights in the WHATSAPP trademark when registering the disputed domain name and that the latter clearly is directed to such trademark. Moreover, using the disputed domain name, which is confusingly similar to Complainant's well-known WHATSAPP trademark, to let it resolve to a website at "www.whatsappstatusviews.com", which somehow impersonated Complainant and prompted prospective consumers to hand down sensitive user data such as their WhatsApp numbers, most likely for fraudulent purposes, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusing with Complainant's WHATSAPP trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the larger meaning of paragraph 4(b)(iv) of the Policy – a finding that is clearly supported in the very case at hand by the fact that Respondent itself offered to disable the disputed domain name.

Therefore, the Panel holds that Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <whatsappstatusviews.com> be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: April 14, 2022