

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC. v. Super Privacy Service LTD c/o Dynadot / Minnie Higgins  
Case No. D2022-3179

### **1. The Parties**

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

The Respondent is Super Privacy Service LTD c/o Dynadot / Minnie Higgins, Belgium.

### **2. The Domain Name and Registrar**

The disputed domain name <whatsappstatusdaily.com> is registered with Dynadot, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 27, 2022. On August 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 30, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 6, 2022.

The Center verified that the Complaint together with the amended 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 the Respondent of the Complaint, and the proceedings commenced on September 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 27, 2022.

The Center appointed George R. F. Souter as the sole panelist in this matter on October 6, 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**

The Complainant is a US corporation, which operates a messaging and voice-over IP and mobile service, with an estimated 2 billion users in over 180 countries.

The Complainant is the proprietor of many trademark registrations of its WHATSAPP trademark internationally, including US Registration No. 3,939,463, registered on April 5, 2011.

The disputed domain name was registered on October 11, 2019, and currently uses the disputed domain name in connection with a website promoting various merchants and websites and development products.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant alleges that the disputed domain is confusingly similar to its WHATSAPP trademark, containing its trademark in its entirety, with inconsequential additions.

The Complainant alleges that the Respondent lacks rights or legitimate interests in the disputed domain name, in particular that, to the Complainant's best knowledge, the Respondent is not generally known by the disputed domain name, and that the Complainant has never granted permission to use its WHATSAPP trademark in connection with the registration of a domain name, or otherwise.

The Complainant alleges that the disputed domain name was registered in bad faith, and is being used in bad faith in connection with the website mentioned above.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists three elements that the Complainant must prove to merit a finding that the disputed domain name be transferred to the Complainant:

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

##### **A. Identical or Confusingly Similar**

The Panel finds that the Complainant has trademark rights to its WHATSAPP trademark for the purposes of these proceedings.

It is well established in prior decisions under the UDRP, with which the Panel agrees, that a generic Top-Level Domain ("gTLD") may generally be disregarded when comparing a trademark with a disputed domain name. The Panel considers the gTLD ".com" to be irrelevant in the circumstances of the present case, and finds that it may be disregarded here.

The Complainant's WHATSAPP trademark is clearly recognizable in the disputed domain name, rendering the disputed domain name confusingly similar to the Complainant's trademark. The mere addition of the

words “status daily” does not detract from this finding.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in connection with the disputed domain name at issue.

### **B. Rights or Legitimate Interests**

It is the consensus view of UDRP panels, with which the Panel agrees, that a *prima facie* case advanced by the complainant will generally be sufficient for the complainant to be deemed to have satisfied the requirement of paragraph 4(a)(ii) of the Policy, provided the respondent does not come forward with evidence demonstrating rights or legitimate interests in the domain name and the complainant has presented a sufficient *prima facie* case to succeed under paragraph 4(a)(ii) of the Policy.

The Respondent did not advance any claim of rights or legitimate interests in the disputed domain name to rebut this *prima facie* case.

Furthermore, the nature of the disputed domain name, incorporating the Complainant’s well-known WHATSAPP trademark, carries a risk of implied affiliation. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 2.5.1.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy, in connection with the disputed domain name.

### **C. Registered and Used in Bad Faith**

The Panel is of the view that the finding that a respondent has no rights or legitimate interests in a disputed domain name can support, in appropriate circumstances, a finding of registration of a disputed domain name in bad faith. The circumstance of the present case, in which the Panel regards it as self-evident that the Complainant’s trademark was deliberately appropriated in the disputed domain name are such that the Panel concludes that a finding of registration in bad faith is justified in connection with the disputed domain name, and so finds.

It is well-established in prior decisions under the Policy that the use of a disputed domain name in connection with the sale of goods or services which carry the implication of affiliation with the complainant, to the likely detriment to the complainant’s interests, constitutes use of that disputed domain name in bad faith. In the circumstances of the present case, the Panel considers that the likely detriment to the Complainant’s interests is obvious, and the Panel, accordingly finds that the disputed domain name is being used in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy, in respect of the disputed domain name.

## **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, <whatsappstatusdaily.com>, be transferred to the Complainant.

/George R. F. Souter/

**George R. F. Souter**

Sole Panelist

Date: October 20, 2022