

## **ADMINISTRATIVE PANEL DECISION**

WhatsApp LLC v. Alaa Molhi, Hodidah  
Case No. D2025-0244

### **1. The Parties**

The Complainant is WhatsApp LLC, United States of America (“United States”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Alaa Molhi, Hodidah, Yemen.

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

The disputed domain name <mawahtsapp.com> is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2025. On January 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 24, 2025, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 2025, 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 January 29, 2025.

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 January 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2025. The Respondent sent email communications to the Center on January 27 and January 30, 2025. In accordance with paragraph 6 of the Rules, the Center informed the Parties that it would proceed with Panel Appointment on February 20, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on February 24, 2025. 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 United States-based company, which provides a popular service to exchange messages via smartphones.

The Complainant is the owner of the word and figurative mark WHATSAPP, which is registered in a large number of jurisdictions around the world. Among many others, the Complainant is the owner of the United States Trademark Registration No. 3939463, registered on April 5, 2011, for class 42, and the International Trademark Registration No. 1085539, registered on May 24, 2011, both for WHATSAPP, covering various goods and services as protected in classes 9 and 38.

The Complainant further holds and operates various domain names consisting of or including its WHATSAPP trademark, such as <whatsapp.com>.

The Respondent is reportedly located in Yemen.

The disputed domain name was registered on May 28, 2023.

According to the documents provided by the Complainant, the disputed domain name resolves to a website in Arabic language that prominently uses the WHATSAPP trademark to allegedly offer modified or alternative versions of the Complainant's mobile application, without any visible disclaimer describing the (lack of) relationship between the Parties.

On 3 December 2024, the Complainant's lawyers submitted a notice via the Registrar's registrant contact form to resolve the matter amicably. No response was received.

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

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

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

The Respondent did not substantively reply to the Complainant's contentions. Instead, the Respondent just mainly noted in its email communications to the Center on January 27 and 30, 2025, that it purchased the disputed domain name "from an internationally accredited and trusted site". Additionally, the Respondent believes without substantial argumentation that it is "not violating policy or doing something bad".

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

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not formally replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel might, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the WHATSAPP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel further finds the WHATSAPP mark is recognizable within the disputed domain name. As stated at section 1.9 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, misspellings do not prevent a finding of confusing similarity. In the present case, the Panel notes that the disputed domain name incorporates an apparent misspelling of the Complainant's WHATSAPP trademark by simply reversing the letter "a" and the letter "h", which, in view of the Panel, still makes the Complainant's WHATSAPP trademark recognizable within the disputed domain name.

Accordingly, the disputed domain name is confusingly similar to the WHATSAPP mark for the purposes of the Policy.

Although the addition of other terms and letters, here "ma", may bear on assessment of the second and third elements, the Panel finds such addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of

proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Even more, the Panel notes that the Respondent's website associated with the disputed domain name clearly establishes a link to the Complainant's WHATSAPP trademark, particularly by explicitly referring to the Complainant's WHATSAPP trademark and its mobile application. The Panel even notes that, unlike the disputed domain name itself, the website associated with the dispute domain name refers to the WHATSAPP trademark of the Complainant without any misspelling. Noting the confusingly similar nature of the dispute domain name, the Panel has no doubt that the Respondent's intent is to create confusion with the Complainant and its messaging services, and to direct Internet users to its website, apparently for commercial gain, which in view of the Panel cannot constitute a bona fide commercial use or a legitimate noncommercial or fair use of the disputed domain name. The Respondent's allegation that it purchased the disputed domain name from an "internationally accredited and trusted site" is an obviously inconclusive argument that also cannot confer rights or legitimate interests upon the Respondent.

The Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent must have had the Complainant and its WHATSAPP trademark in mind when registering the disputed domain name. Noting the confusing similarity of the disputed domain name with the widely known WHATSAPP trademark and the explicit reference to the Complainant's services on the website associated with the disputed domain name, it is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain name to mislead Internet users. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

With respect to the use of the disputed domain name in bad faith, the Panel finds that the Respondent uses the disputed domain name in order to generate traffic to its own website by deliberately misleading Internet users in a false belief that the associated website is either operated or at least authorized by the Complainant. The prominent references to the Complainant's WHATSAPP mark, the offering of modified or alternative versions to the Complainant's mobile application as well as the confusingly similar nature of the disputed domain name is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract, apparently for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its WHATSAPP trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

The Panel finds that the Complainant has established the third element of the Policy.

## 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 <mawahtsapp.com> be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: March 10, 2025