



தமிழ்நாடு தமில்நாடு TAMILNADU



7 NOV 2025

M. SHIRIJA

EG 149941

K. SANKAR (S.V)
L. No: 7481/94
Sagar, Chennai-17

BEFORE TMT.M.SHIRIJA, B.Sc.,M.L.

SOLE ARBITRATOR, AT CHENNAI

27th November 2025

COMPLAINT INDRP Case No. 1935

IN THE MATTER OF AN ARBITRATION
FOR A DISPUTE RELATING TO THE
DOMAIN NAME <gbwhatapp.in> UNDER
THE .IN DOMAIN NAME DISPUTE
RESOLUTION POLICY

WhatsApp LLC

1601 Willow Road

Menlo Park, California 94025

WhatsApp LLC1

1601 Willow Road

Menlo Park, California 94025

United State of America

...Complainant

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VS.

Anmol Sharma,
Opposite to Balaji Mandir Road,
Kolkata, West Bengal 700014, India

... Respondent

**AWARD PASSED UNDER THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION AND CONCILIATION ACT, 1996**

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I. PARTIES TO THE ARBITRATION

1. The Complainant is WhatsApp LLC, an American company with its principal place of business at 1601 Willow Road, Menlo Park, California 94025, United State of America, which is a wholly-owned subsidiary of Robert Half Inc. ("RH") represented by their Power of Attorneys David Taylor / Jane Seage Hogan Lovells (Paris) LLP at 17 avenue Matignon, 75008 Paris, France with E-mail: domaindisputes@hoganlovells.com.

2. The Respondent is Anmol Sharma, Opp balaji mandir road, Kolkata, West Bengal 700014, India.

II. APPLICABLE LAW AND JURISDICTION

The .IN Domain Name Dispute Resolution Policy

The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (the Policy) which was adopted by the National Internet Exchange of India (NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name. By registering the domain name <gbwhatapp.in>groups.in > with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure posted 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.


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III. Filing of the Complaint and Constitution of the Arbitral Tribunal

1. The Complainant filed the Complaint under the .IN Domain Name Dispute Resolution Policy against the Respondents, seeking transfer of the Domain Name <gbwhatapp.in> to the Complainant, Following which, the .IN Registry sought the consent of **Tmt.M.SHIRIJHA** (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under 5 (a) of the Rules, to act as Arbitrator in the said matter.

2. On 22nd May 2025, the Arbitral Tribunal consisting of the said **Tmt.M.SHIRIJHA** as Sole Arbitrator was constituted under 5(b) of the Rules in respect of the Complaint filed by the Complainant herein.

3. On 26th May 2025 the learned Arbitrator directed the Complainant to file the Annexures along with the Complaint as the same and the same was complied and intimated via email on 11th June 2025. On perusal of the said Documents, the Arbitrator on 18th June 2025, directed the Complainant to file a valid Power of Attorney deed or an Authorisation letter from the Complainant to represent them before the Tribunal.IN Registry which was complied.

4. Immediately thereafter, on 23rd June 2025, the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules. to the parties for commencement of Arbitral Proceedings.

5. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT

The particulars of the registration of the domain name <gbwhatapp.in> as found in the .IN Registry database are set out below: GoDaddy.com, LLC (the Registrar) at 2155 E GoDaddy Way, Tempe, Arizona 85284, United States, Email: legal@godaddy.com



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V. PROCEDURAL HISTORY

1. The Sole Arbitrator, Tmt.M.Shirijha was appointed On 22nd May 2025 for the INDRP case no. 2007 regarding the Complaint dated May 21, 2025 filed under the INDRP.

2. Immediately thereafter, on 23rd June 2025, the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules , to the parties for commencement of Arbitral Proceedings Respondent by email with the Complaint and Annexures enclosed and directed the Complainant to serve the said Notice to the Respondent both Online and Offline to the address mentioned therein. The Respondent was given an opportunity to file a response in writing in opposition to the Complaint, if any along with evidence in support of its stand or contention on or before seven working days from the date of receipt of the said Notice.

3. On 28th June 2025, the Complainant's power of Attorney informed the Arbitral Tribunal that they have served the copy of the Complaint along with the annexures to the Respondent's E mail address as well as dispatched the physical copy to the Respondent's address and submitted the said delivery proof.

4. As the Complainant has not reported to the Arbitral Tribunal of the status of the dispatched hard copy of Notice to the Respondent by the Complainant, as per the directions issued to them, On 7th November 2025 the Arbitrator directed the Complainant to file a status report on the same and accordingly the Complainant submitted that It appears from the Tracking report that three delivery attempts were made at the Respondent's address, all unsuccessful and hence the hardcopy of the complaint sent along with a complete set of documents to the Respondent being returned to them, as delivery could not be completed. They further submitted that as It appears that the Respondent's address is incomplete, the delivery of the same could not be completed and hence prayed to accept the proof of delivery by email, for which they have submitted the proof already, alone and proceed to issue a decision in this case. On 11th November 2025, the Arbitrator directed the Complainant to file the returned Postal cover for which on 14th November 2025 The Complainant submitted as

the Postal cover is in transit, they could not comply with the said directions and filed the tracking status Report. The submission of the Complainant is accordingly considered and found satisfactory.

5. Accordingly, on 17th November 2025, This Arbitral Tribunal holds that as the Service effected online via email to the Respondent as sufficient, as service via offline to the Respondents address is still awaited and hence the service on the Respondent was done in accordance with Rule 2(a) of the Rules. Further as the respondent has received the notice via email, quite a long time ago, considering the submission of the Complainant's representative, it is held that the said service is sufficient and as the Respondent has chosen not to either appear before this Tribunal nor file any objections if any, inspite of the sufficient time granted, he was set exparte.

VI. COMPLAINANT'S CONTENTIONS

1. The Complainant is a provider of one of the world's most popular mobile messaging application, founded in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.). In 2014, WhatsApp allows users across the globe to exchange messages for free via smartphones, including iPhone and Android. The Complainant's main website, available at <https://www.whatsapp.com/>, also allows Internet users to access its messaging platform. Since its launch in 2009, WhatsApp has become one of the fastest growing and most popular mobile applications in the world, with over 2 billion monthly active users worldwide as of 2023. WhatsApp has acquired considerable reputation and goodwill worldwide. Consistently being ranked amongst Google Play and Apple iTunes 25 most popular free mobile applications and Tech Radar's Best Android Apps, WhatsApp is one of the most downloaded application for iOS phones worldwide according to applications information company Data.ai. Reflecting its global reach, the Complainant is the owner of numerous domain names, comprising its WHATSAPP trade mark, under various generic Top-Level Domains as well as under many country code Top-Level Domains (ccTLDs). In addition, WhatsApp has 5.5 million followers on X (formerly Twitter). The Complainant owns numerous trade

mark registrations for WHATSAPP in various jurisdictions and has also secured ownership of many figurative trade marks.

2. The Complainant was recently made aware of the Domain Name, which includes a misspelling of the Complainant's WHATSAPP trade mark whereby the WHATSAPP trade mark is altered by the omission of the letter "s", preceded by the letters "gb", under the ccTLD ".IN". The Domain Name was registered on 16 December 2023 which resolves to a website titled "GB WhatsApp Apk" that purports to offer for download an unauthorized modified APK version of the Complainant's WhatsApp application, referred to as "GB WhatsApp" or "GB WhatsApp v18.20" (the Respondent's website), which features a table comparing the differences between the functionality of the Complainant's WhatsApp application and that of the modified APK version of the WhatsApp application, as well with the wording: "WhatsApp is the greatest messaging app, and to give a tough competition we got GB WhatsApp v18.30. GB WhatsApp v18.20 comes with very enhanced features that the original WhatsApp doesn't have." The Respondent's website features a logo and a favicon that are modified versions of the Complainant's WhatsApp telephone logo and figurative trade mark. There is no disclaimer on the Respondent's website as to a lack of a relationship with the Complainant. The footer of the Respondent's website features the following copyright notice: "© 2025 GB WhatsApp". As on 1 April 2025, the Respondent's website featured commercial advertising banners and hence in an attempt to resolve the matter amicably, the Complainant's lawyers submitted a Registrar registrant contact form notice. No response was received Hence this Complaint.

VII. DISCUSSIONS AND FINDINGS:

The Hon'ble Apex Court of India has repeatedly held that even in an uncontested matter the Plaintiff's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Accordingly, A Complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements required by Paragraph 4 of the INDRP Policy



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namely:

(A) The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.

(B) The Respondent has no rights or legitimate interests in respect of the domain name

© The Respondent's domain name has been registered or is being used in bad faith.

Accordingly, the Arbitral Tribunal shall deal with each of the elements as under:

(A) Whether the Respondent domain name <gbwhatsapp.in> is identical and/or deceptively similar to domain name and trademarks of the Complainant?

i) The copy of the trademark registration certificate of Trademark 'Whatapp' and WHOIS records shows Complainant is the owner of the same in India. Further The Extensive Annexures shows that The Complainant owns numerous trade mark registrations for WHATSAPP in various jurisdictions and because of the extensive use and promotion of the 'WHATSAPP' trademark, the brand has gained recognition.

ii) The Complainant provided evidence with the Annexures, to establish that the Disputed Domain name <gbwhatsapp.in> is identical or confusingly similar to the Complainant's registered and distinctive trademark. The Complainant submits that it has established rights in the trade mark WHATSAPP for purposes of paragraph 4(a) of the .IN Policy and the dominant features of the Complainant's WHATSAPP trade mark are recognizable in the Domain Name, such that the Domain Name is confusingly similar to the Complainant's mark (cf. "WhatsApp" and WHATSAPP).

iii) While examining whether the subject domain name <gbwhatsapp.in> is virtually identical to the trademark 'WHATSAPP' of the Complainant, as claimed by them, the Domain name has the words '<GBWHATAPP.IN>' identical to that of the Complainant's Trademark 'WhatsApp'. But the Domain name has an additional term

"GB" in it and then the question arises whether The subject domain name is highly similar in appearance, sight, sound, and connotation to Complainant's 'WHATAPP' Marks, as claimed by them. The Complainant took the attention of this Tribunal to the WIPO Overview 3.0, section 1.7, wherein it reads as follows: "[...] 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."

iv) Further In support of their contention that the Domain name is confusingly similar to their Trade Mark, they relied upon the decision in WhatsApp, Inc. v. Abdallah Almqbali, WIPO Case No. D2016-1287(<watsabsplus.com> et al.) wherein it was held that "The Panel agrees with Complainant that the disputed domain name <watsabsplus.com>, where the letter 'h' is omitted and the letter 'b' is substituted for the letters 'pp', is an obvious misspelling of the WHATSAPP trademark, which is insufficient to distinguish the resulting domain name from the WHATSAPP mark." They submit that The Domain Name includes a misspelling of the Complainant's WHATSAPP trade mark whereby the WHATSAPP trade mark is altered by the omission of the letter "s", and is preceded by the letters "gb", under the ccTLD ".IN". The Complainant submits that the addition of the letters "gb" does not prevent a finding of confusing similarity with the Complainant's WHATSAPP trade mark, dominant elements of which remain recognizable in the Domain Name.

v) Reliance is also placed upon the decision in Instagram, LLC, WhatsApp, LLC. v. mohsin khan, oppo, WIPO Case No. D2024-1128 (<gbwhsap.com> et al) wherein it was held that "The Panel also finds that the mark WHATSAPP is recognizable within the disputed domain name. Indeed, the well-known WHATSAPP trademark remains recognizable despite the misspelling. The addition of the letters 'gb' does not prevent a finding of confusing similarity. Accordingly, the disputed domain name is confusingly similar to the mark WHATSAPP for the purposes of the Policy."(WhatsApp

LLC v. vincent lai, yh tec, WIPO Case No. D2024-2974 (<gbwhatsapp.dev>) and 'WhatsApp LLC v. Leadlac Marketing, INDRP Case No. 1776 (<whatsappnow.in>). "It is well established under the .IN Policy that the ccTLD ".IN" may be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant's trade mark (AB Electrolux v. GaoGou of YERECT, INDRP/630 (<zanussi.in>) and hence holds that the Domain Name is confusingly similar to the Complainant's trade mark.

vi) Apart from WIPO Overview 3.0, section 1.7, the cases relied upon by the Complainant is squarely applicable to the case in hand and Hence The Tribunal finds that The subject domain name <<gbwhatapp.in>groups.in> is virtually identical to the trademark 'WHATSAPP' of the Complainant and there is a likelihood of confusion with the Complainant's trademark and this would mislead the internet users

Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy Paragraph 4(a) is satisfied and holds that the Respondent's domain name is confusingly similar to Complainant's registered and distinctive 'WHATSAPP' trademark.

(B) Whether the Respondent has no rights or legitimate interests in respect of the domain name?

i) To pass muster under Paragraph 4(b) of the INDRP Policy, the Complainant has to show that the Respondent has no rights and legitimate interests in the disputed domain name under Paragraph 6 of the Policy.

ii) The Complainant asserts that the Respondent is unable to invoke any of the circumstances set out in Paragraph 6 of the .IN Policy to demonstrate rights or legitimate interests in the Domain Name as there is

a) No bona fide offering of goods or services

iii) It is their further contention that the Respondent's website purports to offer

for download an unauthorized modified APK version of the WhatsApp application with additional functionality over and above the WhatsApp application and INDRP panels have recognized that 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 and Whether or not this is the case is typically measured against the list of factors is set out in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903 (the Oki Data criteria) as (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. It is their contention that the Respondent cannot be viewed as a bonafide service provider as it does not provide sales or repairs in relation to a product provided by the Complainant but is purporting to offer for download an unauthorized APK version of the Complainant's WhatsApp application using the Complainant's WHATSAPP trade mark. The Complainant submits that the Respondent fails to fulfil the first and third Oki Data criteria, specifically (i) The Respondent's website purports to offer for download a third-party unauthorized APK version of the WhatsApp application. As such, the Respondent cannot be said to be using the Respondent's website to offer the goods or services at issue, namely the Complainant's WhatsApp application. (ii) The Respondent's website fails to accurately and prominently disclose its relationship with the Complainant given that it features no clear disclaimer as to the lack of relationship with the Complainant. It is their further contention that the Respondent's website features the Complainant's WHATSAPP trade mark and logos that are very similar to the Complainant's WhatsApp logo and figurative trade mark, to promote the downloading of a third-party modified version of the Complainant's WhatsApp application and in this connection they cited the decision in WhatsApp Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Mohsen Moussawi, WIPO Case No. D2021-0032 (<cyberwhatsapp.com>) wherein it was found that the use of modified versions of the WhatsApp telephone logo contributes to a risk of affiliation with the Complainant



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and confusion and cannot constitute bona fide use. It was further held that "The evidence provided by the Complainant further shows that the disputed domain name was temporally linked to a website, which content included various references to the Complainant's trademark WHATSAPP as well as a modified version of its telephone logo within a green circle. The Panel considers that this use of the disputed domain name contributes to a risk of affiliation and confusion".

iv) It is their further contention that The Complainant is committed to maintaining the integrity of its WhatsApp service and does not support such third-party applications; The use of the Domain Name to offer for download an unauthorized modified APK version of the WhatsApp application impairs the integrity of the WhatsApp service, breaches the WhatsApp Terms of Service and cannot be considered a bona fide offering of goods or services; In WhatsApp, Inc. v. Nasser Bahaj, WIPO Case No. D2016-0581 (<ogwhatsapp.org> et al.), it was held that "The Complainant has indicated that it has never authorized the use of its trademark by the Respondent. The Respondent is not making a bona fide offering of goods or services via the disputed domain names but is rather offering unauthorized and unlicensed versions of the Complainant's application." 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 6(a) of the Policy.

b) The Respondent is not a licensee of the Complainant.

v) Evidence was provided by the Complainant to show that The Respondent is not affiliated with Complainant in any way and has never been authorised or licensed by Complainant to use or register its trademarks, or to seek registration of any domain name incorporating the trademark in question. It is the contention of the Complainant that the Prior panels have held that the lack of such prior authorisation would be sufficient to establish a prima facie case regarding the respondent's lack of rights or legitimate interests in the disputed domain name and to support their claim, they took the attention of this Tribunal to the decision in Wacom Co. Ltd. v. Liheng, INDRP/634

(<wacom.in>) wherein it was held that there is no legitimate interest where the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name.

© Not commonly known by the Domain Name

vi) It is contended by the Complainant that The Respondent cannot legitimately claim that it is commonly known by the Domain Name in accordance with paragraph 6(b) of the .IN Policy. They plead that The Respondent's name "Anmol Sharma" does not bear any resemblance to the Domain Name whatsoever and to the best of the Complainant's knowledge, the Respondent has not secured or sought to secure any trade mark rights in the term "whatsapp", "gbwhatsapp" or any variation thereof. The Respondent's use of the Domain Name to purport to offer for download an unauthorized modified APK version of the WhatsApp application 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; No legitimate noncommercial or fair use of the Domain Name Nor is the Respondent 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 6(c) of the Policy.

vii) Moreover as cited by the Complainant, In WhatsApp LLC v. Furqan Taunsvi, Buch Executive Villas, WIPO Case No. DCC2024-0012 (<gbwhatsapp.cc> et al.), it was held that 'The Respondent's use of the Domain Name to purport to offer for download an unauthorized modified version of the Complainant's WhatsApp application does not amount to legitimate Non commercial or fair use'.

viii) It is also their contention that the Respondent's website previously featured pop-up messages associated with commercial advertising, from which the Complainant infers that the Respondent derived commercial gain. As a result, the Respondent cannot be said to be have made a legitimate noncommercial or fair use of the Domain

Name. (WIPO Overview 3.0, section 2.5.3, and Instagram, LLC v. Domains By Proxy, LLC / Ahmed Hemaïd, WIPO Case No. D2021-1439 (<instagram-downloader.net> et al.) wherein it was held that "Furthermore, the use of the disputed domain name in connection to a website that offers a tool for downloading videos and photos from Instagram shows that the Respondent targets the Complainant. [...] Indeed, impersonating the Complainant or make it appear that there is a link with it can hardly be a legitimate or fair use. In addition, the Respondent's website displays a link to a third party's website with adult content, which suggests that the Respondent derived a commercial gain from the use of the disputed domain name." Reliance is also placed on WhatsApp LLC v. Mary Anne, WIPO Case No. D2021-1240 (<freewhatsappdownload.net>) and Bytedance Ltd. v. Muhammad Haroon, WIPO Case No. D2022-2946 (<capcutapks.com>). The Complainant submits that in light of the above factors, it has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name and Accordingly, the burden of production shifts to the Respondent to produce evidence to rebut the Complainant's case and In the absence of such evidence, the Complainant may be deemed to have satisfied the requirements of paragraph 4(b) of the Policy.

ix) A careful perusal of the above shows that the Respondent is not commonly known by the Disputed Domain Name or the name <GBWHATAPP.IN> and nor does the Respondent operate a legitimate business or other organisation under the 'WHATSAPP' trademark. Additionally, the said 'WHATSAPP' trademark was registered years before the disputed domain name was registered and hence the Respondent domain name certainly impersonates the Complainant's and the same is not bonafide.

x) When a Complainant makes out a prima facie case that a 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 and If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have proved their case. In the case in

hand, the Complainant has made out a prima facie case that the Respondent has no rights and legitimate interests in respect of the disputed domain name <GBWHATAPP.IN> as Complainant has never assigned, granted, licensed, sold, transferred, or otherwise authorised Respondent to register or use the Disputed Domain Name or the 'WHATSAPP' Trademark and the same is also not used for making legitimate non-commercial use. But the Respondent has failed to appear before this Tribunal and prove if he has any right or interest over the said Trade Mark of the Complainant to use it in the Disputed Domain name.

Hence it is held that the Complainant has satisfied the second element under Paragraph 4 (b) of the Policy.

(C) Whether the Respondent domain name was registered or is being used in absolute bad faith?

i) The Complainant states that it is a highly respected global consulting firm assisting companies with corporate governance initiatives, as well as solutions for business problems in technology, business processes, analytics, risk, compliance and internal audits, and was founded in 2002; Their services are marketed and offered throughout the world under the 'WHATSAPP' and Since 2006, the mark 'WHATSAPP' has been in use in India and has successfully obtained numerous trademark registrations for its trademark marks in jurisdictions around the globe and The Complainant, today, holds all the rights, benefits and interests in connection with and arising out of the mark 'WHATSAPP', and all other intellectual property rights associated with its products/ services.

ii) The Complainant provided the following reasons to show that the Respondent acquired the disputed domain name in bad faith-

a) The Domain Name was registered in bad faith

1) It is the case of the Complainant that 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 (see Annex 6). Furthermore, all leading search results obtained by typing "WhatsApp" into the Google search engine at www.google.com and www.google.co.in, refer to the Complainant. Given the Complainant's renown and goodwill worldwide and its trade mark rights established long before 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 it registered the Domain Name in December 2023. They brought the attention of this Tribunal to the decision in similar cases wherein it was held that

a) At the time of registration of the Disputed Domain Name, the Complainant was using the registered trademark 'WHATSAPP' and the Respondent knew, or at least should have known, of the existence of the Complainant's trademark 'WHATSAPP'." *WhatsApp Inc. v. Warrick Mulder*, INDRP/1233 (<whatsapp.in>): "

b) "Taking into consideration that [...] Complainant's trademark WHATSAPP has become well known around the world, and that Complainant's trademark is composed of a coined term that confers to it certain distinctiveness, this Panel is of the view that Respondents must have been aware of the existence of Complainant's trademark WHATSAPP at the time of registration of each disputed domain name." (*WhatsApp, Inc. v. Domain Manager et al.*, WIPO Case No. D2018-1581 (<whatsappalertas.com> et al.)

2) They would further contend that the nature of the Respondent's website clearly demonstrates actual knowledge of the Complainant and its trade mark, as it makes prominent reference to the Complainant, its WHATSAPP trade mark and official application, and features modified versions of the Complainant's telephone logo and figurative trade mark and produced the decision made in a similar case in *WhatsApp LLC v. Aamir Altaf, G11*, WIPO Case No. D2024-2579 (<gbwhatsapp.icu>) wherein it was held that "... the content of the website to which the disputed domain name used to resolve leaves no room for a doubt on the Respondent's knowledge of the Complainant and its WHATSAPP trademark and evidences that the Respondent actually

had the Complainant in mind when registering the disputed domain name"and Due to the above, the Panel finds that the disputed domain name has been registered in bad faith. While submitting that the Prior panels have held that actual knowledge of a well-known trade mark at the time of registration of a domain name constitutes evidence of bad faith, the Complainant refers to the decision in QRG Enterprises Limited & Havells India Limited v. Zhang Mi, INDRP/852 (<qrg.co.in>) wherein it was held that "Such registration of a domain name based on awareness of a trade mark is indicative of bad faith registration under the Policy._

b) Use in bad faith

The Complainant further submits that the Respondent registered the Domain Name in December 2023, 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 version of the Complainant's WhatsApp application, in bad faith; their website purports to offer for download an unauthorized modified APK version of the Complainant's WhatsApp application, developed by a third-party, "GB WhatsApp", in breach of the WhatsApp Terms of Service; Also it features repeated references to the Complainant's application, as well as modified versions of the Complainant's figurative trade mark and telephone logo, including as a favicon; In the absence of any accurate or prominent disclaimer regarding the relationship with the Complainant, Internet users are likely to be misleading into believing that the Respondent's website is somehow affiliated with or endorsed by the Complainant, which it is not; In WhatsApp Inc. v. Edwin Lizcano, Inversiones Capira SAS, WIPO Case No. D2019-1700 (<maswhatsapp.com>) it was held that "Other factors corroborate a finding of bad faith: a. the use of [...] a modified version of the Complainant's logo at the webpage that resolves from the disputed domain name without a single disclaimer or indication that the Respondent's website is not operated by or affiliated with the Complainant, thus creating a misleading impression of association with the Complainant".

3) The Complainant would plead that even if such a disclaimer were featured on the Respondent's website, it would not have been sufficient to cure the Respondent's illegitimate use of the Domain Name as held in WhatsApp Inc. v. Vipul Singh, WIPO

Case No.2020-0903 (<whatsapp-quotes.com>) and As a result, the Complainant submits that the Respondent is using the Domain Name to intentionally attract Internet users to its website, by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website and the services offered therein, in bad faith, pursuant to paragraph 7(c) of the Policy. In support of their contention, They referred to the decision In Amazon Technologies Inc. v Mr. Alex Parker, INDRP/1166 (<amazonemi.in>) wherein the Tribunal hold that "The Respondent's registration of the domain name <amazonemi.in> is likely to cause immense confusion and deception and lead the general public into believing that the said domain name enjoys endorsement or authorized by or is in association with and/or originates from the Complainant. The foregoing circumstances lead to the presumption that the domain name in dispute was registered and used by the Respondent in bad faith."

4) the Complainant submits that it is very likely that the Respondent derived commercial gain from the commercial advertising banners that were featured on the Respondent's website thereby derives commercial advantage from the Respondent's unauthorized use of the Complainant's WHATSAPP trade mark in the Domain Name and on the Respondent's website, as well as the use of modified versions of the Complainant's logo and figurative trade mark on the Respondent's website and as a favicon and 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 as per WIPO Overview 3.0, section 2.5.3.

5) In addition the Complainant apprehends that the APK version of the WhatsApp application may disrupt the Complainant's business by driving users to third-party applications and in similar such cases. It was held that such activities amount to use of a domain name in bad faith; in one such case in WhatsApp LLC v. Du chengfu, WIPO Case No. DBZ2024-0001 (<gbwhatsapp.com.bz>) it was held that "In addition, the Panel finds that the Respondent's promotion of unauthorized modified versions of the Complainant's WhatsApp application and driving the Complainant's users to third-party applications qualifies as bad faith attempt to disrupt the Complainant's business"

6) Finally the Complainant contends that the promotion of 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 and in similar cases it was held that such activities amount to use of a domain name in bad faith, as in WhatsApp, LLC v. Adila Ayaz, Freelance, WIPO Case No. D2024-2999 (<anwhatsapp.pro> et al.) where the Court holds that "The Panel considers that the use of disputed domain names for active websites offering the download of an unauthorised, unlicensed version of the Complainant's application used by billions of users Worldwide, implies a risk that such applications may be designed to phish for the personal data of WhatsApp users or may cause users to download malware." In view of the above, the Complainant asserts that the Domain Name was registered and is being used in bad faith in accordance with Paragraph 4(c) of the .IN Policy.

7) From the evidence placed before this Tribunal it is evident that

Firstly, the Respondent used the 'WHATSAPP' trademark without consent from the Complainant.

Secondly, Respondent was aware of Complainant's rights in its well-known trademark as a consequence of Complainant's substantial use of the trademark which predates before the Respondent acquired the domain name.

Thirdly, the domain name is only registered with no apparent legitimate purpose and holding on to the same with absolute no justification except to make wrongful profit therefrom. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith registration.

Fourthly, The Respondent impersonated the Complainant's Trade mark "W h a t s A p p" which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business by redirecting people to the infringing domain name and also making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

8) In HSBC Holdings [!_lc v. Hooman Esmail Zadeh, INDRP Case no 032, dated March 20, 2007; Visteon Corporation v. Prahlad S., INDRP Case No. 1535, dated May 6, 2022; Solidium Oy v. Privacy Service Provided by Withheld for Privacy ehfl EstormH Etormhosting. Estorm Programming, WIPO Case No. D2022-3139; LPL Financial LLC v. Privacy Service Provided by Withheld for Privacy ehf I Steffen Hain, WIPO Case No. D2022-0542 it was held that the mere registration of an identical domain name by an unaffiliated entity can by itself create a presumption of bad faith. On careful consideration of the above findings, the Arbitral Tribunal accepts the contentions of the Complainant and holds that the Respondent domain name <GBWHATAPP.IN> has been registered with an opportunistic intention and is being used in bad faith. Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

VIII. DISPOSITIONS

The Arbitral Tribunal holds that The three elements set out in paragraph 4 of the INDRP Policy that

- i) The Respondent domain name <GBWHATAPP.IN> is identical and confusingly similar to the name, trademark and brand name 'WHATSAPP' by the Complainant.
- ii) The Respondent has no rights or legitimate interests in the Complainant's Trademark 'WHATSAPP' and
- iii) the Disputed Domain name has been registered in bad faith.

have been established by the Complainant and hence It is entitled for the relief sought for.

For the foregoing reasons stated above, The Arbitral Tribunal directs that:
The Disputed Domain Name <GBWHATAPP.IN> be transferred to the Complainant as prayed for.

In the Result , Complaint Allowed. No Costs.

Place: Chennai

Dated: 28th November 2025

(M.SHIRIJHA)

Sole Arbitrator.