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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY

(Appointed by the National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name: <yowwhatsapp.in>

IN THE MATTER OF

WhatsApp LLC,  
 1601 Willow Road  
 Menlo Park, California 94025  
 United States of America

.....Complainant

-----versus-----

Umair Wazir  
 Hills Dot  
 House no 34, street no 4 arif town  
 Bahawalpur, Punjab 63100  
 Pakistan

Email: [umair.wazir@yowwhatsapp.com](mailto:umair.wazir@yowwhatsapp.com) ; [umairwazirse0@gmail.com](mailto:umairwazirse0@gmail.com)

..... Respondent

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### 1. The Parties

The **Complainant** in this arbitration proceeding is **WhatsApp LLC**, a limited liability company duly registered under the laws of the State of Delaware in the United States of America, of the address 1601 Willow Road, Menlo Park, California, 94025, United States of America (**United States**)

The **Respondent** in this arbitration proceeding is **Mr. Umair Wazir** of the address House No 34, Street No 4 Arif Town Bahawalpur, Punjab 63100, Pakistan, as per the WHOIS records.

### 2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**yowwhatsapp.in**> with the .IN Registry. The Registrant in the present matter is, and the Registrar is **Dynadot, LLC**.

### 3. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
May 16, 2025	- NIXI sought the consent of Ms. Lucy Rana to act as the Sole Arbitrator in the matter.
May 16, 2025	- The Arbitrator informed of her availability and gave her consent vide email. - Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
May 19, 2025	- NIXI handed over the Domain Complaint, Annexures and Power of Attorney thereto to the Arbitrator. - NIXI further mentioned in their hand-over email that in case the Complainant has failed to submit a notarized Power of Attorney or annexures, they can submit the same directly to the Ld. Arbitrator marking all others in cc.
May 20, 2025	- Arbitrator directed the Complainant to provide: <ul style="list-style-type: none"> <li>• A duly notarised Power of Attorney under company seal (if available) within <b>ten (10) days</b>; and</li> <li>• Revised annexures, ensuring that they do not exceed the page limit prescribed under Rule 4 of the INDRP Rules of Procedure.</li> </ul>

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<b>May 30, 2025</b>	<ul style="list-style-type: none"> <li>- Duly notarised Power of Attorney and revised set of annexures received from the Complainant.</li> <li>- Complainant was asked to confirm the status of delivery of the domain complaint upon the Respondent and was directed to serve a full set of the domain complaint and annexures upon the Respondent (by email as well as physical mode) and provide proof of service within <b>seven (7) days</b>, if the same was not yet served upon the Respondent by them.</li> </ul>
<b>June 03, 2025</b>	<ul style="list-style-type: none"> <li>- Complainant confirmed having sent the domain complaint and annexures to the Respondent via email and courier.</li> <li>- Complainant stated that they have received a delivery failure notification for the email address umair.wazir@yowwhatsapp.com.</li> </ul>
<b>June 06, 2025</b>	<ul style="list-style-type: none"> <li>- The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days to submit a response.</li> </ul>
<b>June 23, 2025</b>	<ul style="list-style-type: none"> <li>- The Respondent was granted an additional final and non-extendable period of three (03) days to submit their response in the matter.</li> <li>- Respondent filed its response in relation to the domain complaint.</li> </ul>
<b>June 26, 2025</b>	<ul style="list-style-type: none"> <li>- Complainant was granted time of three (3) days to submit a rebuttal/ rejoinder.</li> </ul>
<b>June 27, 2025</b>	<ul style="list-style-type: none"> <li>- The Complainant stated that they do not wish to file any rebuttal, as they are not inclined to explore the possibility of settlement.</li> </ul>
<b>June 28, 2025</b>	<ul style="list-style-type: none"> <li>- Arbitrator concluded the proceedings and reserved the present award.</li> </ul>

#### **4. Factual Background – Complainant**

Counsel for the Complainant, on behalf of the Complainant in the present matter, has submitted as follows:

- That the Complainant is a provider of one of the world's most popular mobile messaging applications/apps.
- Founded in 2009 and acquired by Meta Platforms, Inc. in 2014, the Complainant allows users across the globe to exchange messages for free via smartphones (both iPhone and Android).

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- That the Complainant's main website ([www.whatsapp.com](http://www.whatsapp.com)) allows Internet users to access its messaging platform. In this regard, the Complainant has provided excerpts from their website as **Annex 5**.
- Since its launch in 2009, the Complainant has become one of the fastest growing and popular applications with well over 2.78 billion monthly active users worldwide till January 2023.
- That the Complainant has acquired considerable reputation worldwide, including in Pakistan.
- That the Complainant is the 2<sup>nd</sup> most downloaded application in Pakistan and 4<sup>th</sup> most downloaded application for iOS phones worldwide. In this regard, Complainant has provided the details of their company, press articles, rankings, growth and reputation as **Annex 6**.
- That the Complainant is the owner of numerous domain names comprising its trademark **WHATSAPP**, under various generic Top-Level Domains as well as under many country code Top-Level Domains (**ccTLDs**). In this regard, copies of the Whois records of domain names comprising the Complainant's mark have been annexed as **Annex 7**.
- That the Complainant has made substantial investments to develop their online presence on various social media forums. In this regard, the Complainant has provided excerpts of their social media pages as **Annex 8**.
- That the Complainant owns numerous trademark registrations for **WHATSAPP** in various jurisdictions. In this regard, the copies of the trademark registrations have been provided as **Annex 9**.
- That the Complainant owns trade marks in India and Pakistan as well, specifically:
  - a. Indian Trademark Registration No. 2149059 for WHATSAPP, registered on 24 May 2011;
  - b. Pakistani Trademark Registration No. 302143 for WHATSAPP, registered on 27 May 2011; and
  - c. Indian Trademark Registration No. 2344423, registered on 7 June 2012.

##### **5. Disputed Domain Name- <YOWWHATSAPP.IN>**

- That the disputed domain name <YOWWHATSAPP.IN> was registered on March 19, 2024. A copy of the said WHOIS report has been provided as **Annex 4**.

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- That the disputed domain name resolved to a website featuring an article comparing the differences between the functionality of the Complainant's WhatsApp application, referred to as "the Original WhatsApp," and that of the modified APK version of the WhatsApp application.
- That the Respondent's website features a green-and-white colour scheme similar to that used by the Complainant on its WhatsApp platform as well as a favicon and logos that are modified versions of the Complainant's telephone logo and figurative trade, as shown below:



- That the Respondent's website features a disclaimer stating that they are a third-party application developed independently of WhatsApp Inc and are not affiliated/endorsed/supported by /with the Complainant. In this regard, the Complainant has provided excerpts from the Respondent's website as **Annex 10**. The disclaimer reads as below:

*"YoWhatsApp is a third-party application developed independently of WhatsApp Inc. We are not affiliated with WhatsApp Inc. and YoWhatsApp is not endorsed or supported by WhatsApp Inc."*

- That the Respondent's registration and use of the domain name do not conform to the Complainant's Brand Assets and Guidelines and Terms of Service. In this regard, the Complainant has annexed copies of their Brand Assets and Guidelines, and Terms Of Service, as **Annex 11** and **Annex 12** respectively.
- That on February 21, 2025, in order to amicably resolve the matter, the Complainant through its counsel had sent a cease & desist letter to the Respondent via email.
- That upon receipt of an email delivery failure notice, the counsel of the Complaint had sent an infringement notice to the Respondent via the Domain Registrar's domain holder contact request form. However, they did not receive any response. In this regard, the copies of the cease and desist letter and the contact request form notice, are provided as **Annex 13**.

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## 6. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

### A. The Domain Name is identical and/or confusingly similar to a name, trademark, or service mark in which the Complainant has rights

- The Complainant has established that it holds statutory and common law rights in respect of the trademark **WHATSAPP**.
- The disputed domain name <YOWWHATSAPP.IN> incorporated the Complainant's trademark **WHATSAPP** preceded by the letters "YOW".
- The presence of the **WHATSAPP** trademark in the disputed domain name is sufficient to establish confusing similarity between the disputed domain name and the Complainant's trademark;
- The addition of the letters "yow" does not prevent a finding of confusing similarity with the Complainant's **WHATSAPP** trade mark, which remains clearly recognizable in the Domain Name.
- 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.

### B. The Respondent has no rights or legitimate interests in respect of the Domain Name.

- That the Respondent has no rights or legitimate interests in the disputed domain name <YOWWHATSAPP.IN>.
- 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 disputed domain name.

### C. The Respondent has no bona fide offering of goods or services under the disputed domain name

The Complainant contends that the Respondent has registered the disputed domain name and is using it in bad faith.

- That the Respondent cannot assert that, prior to any notice of this dispute, it was using, or had made demonstrable preparations to use the Domain Name in connection with a bona fide offering of goods or services.

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- That 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** trademark, in a domain name or otherwise.
- That the disputed domain name violates the WhatsApp Brand Assets and Guidelines.
- 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.
- That the Respondent's website purports to offer for download an unauthorized modified APK version of the WhatsApp application with additional functionality which is not offered on the WhatsApp application.
- That the Respondent's website fails to accurately and prominently disclose its relationship with the Complainant. Further, the disclaimer as to lack of affiliation with the Complainant is not prominently displayed on its website, but rather is accessible via a link in the footer of the Respondent's website.
- That the domain name resolves to a webpage reproducing the Complainant's **WHATSAPP Mark**, figurative trade mark, and colour scheme and purporting to offer a modified APK version of the Complainant's app, and the same does not amount to use for a *bona fide* offering of goods and services.

**D. That the Respondent is not commonly known by the disputed domain name**

- That the Respondent's name "Umair Wazir, Hills Dot", does not bear any resemblance to the disputed domain name.
- That there is no evidence of the Respondent having acquired or applied for any trademark registrations for "**WhatsApp**", "**yowwhatsapp**" or any variation thereof, as reflected in the disputed domain name.

**E. The Respondent has no legitimate non-commercial or fair use of the disputed domain name.**

- That the Respondent is currently not making any legitimate non-commercial or fair use of the disputed domain name.
- That the Respondent's use of the disputed domain name to purport to offer for download an unauthorized modified APK version of the Complainant's WhatsApp application does not amount to legitimate non-commercial use or fair use. Further, nor can the offering of services that breach the WhatsApp Terms of Service give rise to rights or legitimate interests in the disputed domain name.

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F. The Domain Name was registered or is being used in bad faith

- That the Complainant's **WHATSAPP** trademark is inherently distinctive and well known throughout the world in connection with its messaging application and has acquired a considerable amount of reputation and goodwill worldwide.
- That owing to the Complainant's worldwide reputation and goodwill, the Respondent could not credibly argue that it did not have knowledge of the Complainant's **WHATSAPP** trade mark when they registered the disputed domain name in March 2024.
- That the nature of the Respondent's website clearly demonstrates actual knowledge of the Complainant and its trademark, as it makes prominent reference to the Complainant, modified versions of the Complainant's telephone logo and figurative trademark and features a very similar green-and-white colour scheme to that used by the Complainant.
- That the failure to respond to the Complainant's Counsel's notice is further evidence of the Respondent's bad faith.
- That the Respondent has used the disputed domain name to intentionally attract Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website and the services offered therein, in bad faith.
- That the disclaimer featured on the Respondent's website is not sufficient to cure the Respondent's illegitimate use of the disputed domain name.
- That the promotion of an unauthorized modified APK version of the Complainant's application violates the WhatsApp Terms of Service and also places the security of the users at risk.
- That the use of the disputed domain name to offer a modified unauthorized APK version of WhatsApp under the Complainant's trade mark disrupts the Complainant's business by driving WhatsApp users to a third-party application.

In support of their submissions, Complainant has relied on the below prior decisions/cases:

- i) LEGO Juris A/S v. Robert Martin, INDRP/125.
- ii) WhatsApp Inc. v. Edwin Lizcano, Inversiones Capira SAS, WIPO Case No. D2019-1700.
- iii) WhatsApp LLC v. Jotters Tech, Jotters Tech Pvt Ltd, WIPO Case No. D2024-2571.
- iv) AB Electrolux v. GaoGou of YERECT, INDRP/630

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- v) WhatsApp, Inc. v. Nasser Bahaj, WIPO Case No. D2016-0581.
- vi) WhatsApp LLC v. vincent lai, yh tec, WIPO Case No. D2024-2974.
- vii) WhatsApp LLC v. Leadiac Marketing, INDRP Case No. 1776.
- viii) Instagram LLC v. Ding RiGuo, INDRP/1183.
- ix) Wacom Co. Ltd. v. Liheng, INDRP/634.
- x) Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903.
- xi) WhatsApp LLC v. Apps.Pk, WIPO Case No. D2024-2487.
- xii) WhatsApp LLC v. Furqan Taunsvi, Buch Executive Villas, WIPO Case No. DCC2024-0012.
- xiii) WhatsApp LLC v. Aamir Altaf, G11, WIPO Case No. D2024-2579.
- xiv) Facebook, Inc. v. Alex Xu, HKITN, WIPO Case No. D2019-1709.
- xv) WhatsApp Inc. v. Warrick Mulder, INDRP/1233.
- xvi) WhatsApp, Inc. v. Domain Manager et al., WIPO Case No. D2018-1581.
- xvii) QRG Enterprises Limited & Havells India Limited v. Zhang Mi, INDRP/852.
- xviii) WhatsApp Inc., Facebook, Inc. v. Alex Xu, HKITN, WIPO Case No. D2019-1709.
- xix) Amazon Technologies Inc. v Mr. Alex Parker, INDRP/1166.
- xx) WhatsApp LLC v. Faheem Lashari, WIPO Case No. D2024-4186.
- xxi) Instagram, LLC v. Protection of Private Person / Yurii Shemetilo / Olha Shostak, WIPO Case No. D2022-2832.
- xxii) WhatsApp, LLC v. Adila Ayaz, Freelance, WIPO Case No. D2024-2999.

## **7. Reliefs claimed by the Complainant**

The Complainant has requested that the domain name <YOWWHATSAPP.IN> be transferred to them, and further seeks an award for the costs of the proceedings

## **8. Respondent's Contentions**

The Respondent, vide its reply dated June 23, 2025, has, inter alia, apologized for any unintentional violation or confusion that may have arisen due to the use of this disputed domain name and put forward the submissions below:

- That the Respondent, immediately after becoming aware of the dispute, has taken prompt corrective measures in the matter.
- That the website associated with the disputed domain name <YOWWHATSAPP.IN> has been completely shut down and all activity linked to the domain has ceased.

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- That the Respondent committed to exercise better diligence in the future and stated that they do not wish to contest the matter and intended to remain fully cooperative in concluding the matter appropriately.

### 9. Decision

In view of the submissions made by the Complainant, the Arbitrator finds that the Complainant has been able to successfully establish its rights over the WhatsApp trade marks, and also that the disputed domain Name is identical and/or confusingly similar to the said trade marks.

In view of the above, and given the Respondent's acknowledgment of the Complainant's rights and submission that they do not wish to contest the domain dispute further and remain fully cooperative in concluding the matter appropriately, the Arbitrator therefore allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <YOWWHATSOEVER.IN> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



**Lucy Rana, Sole Arbitrator**

**Date: July 24, 2025.**

**Place: New Delhi, India.**