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NON JUDICIAL

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GOVERNMENT OF KERALA
e-Stamp

e-Stamp Serial Number : 202425000002331696

Verification Code : 321243760V

Govt. Reference No.(GRN)	: KL040914441202425E
Purpose	: Bond
Amount of Stamp Paper Purchased in Numeral	: ₹ 100
Amount of Stamp Paper Purchased in Words	: Rupees One Hundred
Stamp Paper Purchased on	: 17/03/2025
First Party Name	: Adv SUNIL V MOHAMED
First Party Address	: Arbitrator, NIXI.
Second Party Name	: NIXI
Second Party Address	: Delhi
Vendor Code & Name	: 11112474 - JAYADEVI P B
Treasury Code & Name	: 1111 - STAMP DEPOT, Eranakulam

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BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA

Adv. SUNIL V. MOHAMMED BA., LL.B.
(Sole Arbitrator)

AWARD

Dated 17th March, 2025

Venue: New Delhi, India



This can be verified by
https://www.estamp.treasury.kerala.gov.in/index.php/estamp_search using e-Stamp
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JAYADEVI. P. B.
District Court Vendor
Ernakulam

**In the matter of Arbitration under the .In Domain Name Dispute
Resolution Policy; the INDRP Rules and Procedure and
the Arbitration and Conciliation Act, 1996**

INDRP CASE No. 1904

Between

Complainant

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

And

Respondent

GB Apps
Apps.PK
District DG Khan,
Tehsil Taunsa Sharif, Taunsa Sharif,
Punjab 32100, Pakistan.

Disputed Domain Name : *"downloadgbwhatsapp.net.in"*
Seat of Arbitration : Office of the NIXI at Delhi, India.
**Date of commencement
of Arbitration Proceeding** : 17th January, 2025



1. The Parties to the Arbitration:

1.1 The Complainant in the Arbitration Proceedings is **WhatsApp LLC**, an American Company with its principal place of business at 1601 Willow Road, Menlo Park, California, 94025, United States of America (e-mail: domaindisputes@hoganlovells.com). The Complainant is represented in these proceedings by its authorized representatives Jane Seager/David Taylor, Hogan Lovells (Paris) LLP, 17 Avenue Matigon 75008, Paris, France through **Annex 3** Power of Attorney.

1.2 The Respondent in the proceedings is **GB Apps Apps.PK**, District DG Khan, Tehsil Taunsa Sharif, Taunsa Sharif, Punjab 32100, Pakistan (e-mail: gbapps.pk@gmail.com, support@gbapp.com.pk), as per the contact details publically available in **Annex 4** WHOIS record provided by the National Internet Exchange of India (hereinafter referred to as **NIXI**) to the Complainant.

2. Applicable Law and Jurisdiction:

2.1 The present Dispute Resolution Process is in accordance with Policy No. 5 of the .IN Domain Name Dispute Resolution Policy (hereinafter referred to as the **.IN Policy**) and .IN Domain Name Dispute Resolution Rules of Procedure (hereinafter referred to as the **INDRP Rules of Procedure**), based on the Arbitration and Conciliation Act, 1996 as amended from time to time, adopted by the NIXI and sets forth 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.

2.2 By registering the disputed Domain Name with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the Policy and Rules framed thereunder (See Policy No. 15 and 16 of the .IN Policy and Rule 13 (a) INDRP Rules of Procedure).

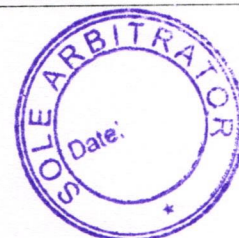
3. The Domain Name and Registrar:

3.1 The disputed Domain Name is "**downloadgbwhatsapp.net.in**", which is registered on 11.09.2023 with Dynadot LLC, by the Respondent registrant.



3.2 The particulars of the registration of Domain Name as found in the .IN Registry database are as follows:

DNS Form	downloadgbwhatsapp.net.in
User Form	downloadgbwhatsapp.net.in
ROID	D6A930F046B5847E18CFB42E196BACDC7-IN
Registrar Name	Dynadot LLC
IANA ID	472
Create Date	2023-09-11T14:19:15Z
Expiry Date	2025-09-11T14:19:15Z
Last updated Date	2024-09-30T14:53:34Z
EPP Status	serverRenewProhibited serverUpdateProhibited clientTransferProhibited serverTransferProhibited serverDeleteProhibited
Domain State	Registered
Assigned Nameservers	rosemary.ns.cloudflare.com tadeo.ns.cloudflare.com
Registrant Client ID	C-937274
Registrant ROID	CC3949D9E7FF34E348744355DF5017B04-IN
Registrant Create Date	2023-03-20T13:44:51Z
Email	gbapps.pk@gmail.com
Phone	(92).03437689677
International Postal Name	GB Apps
International Postal Organisation	Apps.Pk
International Postal Street Line 1	District DG Khan Tehsil Taunsa sharif
International Postal City	Taunsa Sharif
International Postal State	Punjab
International Postal Postcode/ Zip Code	32100
International Postal Country	PK
Local Postal Country	
Registrant Registrar Name	Dynadot LLC
Registrant Registrar IANA ID	472
Registrant Admin ID	CC3949D9E7FF34E348744355DF5017B04-IN
Admin Name:	GB Apps
Admin Organization:	Apps.Pk
Admin Street:	District DG Khan Tehsil Taunsa sharif
Admin City:	Taunsa Sharif
Admin State/Province:	Punjab
Admin Postal Code:	32100
Admin Country:	Pakistan (pk)
Admin Phone:	(92).03437689677
Admin Email:	gbapps.pk@gmail.com4.



4. Procedural History

4.1 The Sole Arbitrator, Adv. Sunil V. Mohammed was appointed on 14th January, 2025, in the above INDRP case to resolve the domain dispute raised in the Complaint dated 20th November, 2024, in accordance with Rule 2(a) and 4(a) of the INDRP Rules of Procedure.

4.2 After obtaining the Statement of Acceptance and Declaration of Impartiality of Independence of the Sole Arbitrator, the NIXI has forwarded the amended complaint along with Annexs 1 to 16 and also the WHOIS details of the domain through e-mail dated 14th January, 2025.

4.3 On 17th January, 2025, the Tribunal issued Notice under Rule 5(c) of the INDRP Rules of Procedure to the Respondent through e-mail and the Complainant was directed to serve copies of the domain complaint along with complete set of documents in soft copies as well as in physical via courier or post to the Respondent registrant at the address provided in the WHOIS details of the domain, in compliance of Rule 2 and 3(d) of the INDRP Rules of Procedure and to furnish proof of such service and delivery. In the said Notice, the Respondent was directed to file Reply to the Domain Complaint within 15 days.

4.4 The Complainant forwarded the soft copies of the Complaint and Annexs to the known e-mail ID's of the Respondent viz., *gbapps.pk@gmail.com* and *support@gbapp.com.pk*. The Notice above as well as the Complaint and Annexs forwarded to the Respondent's e-mail ID *gbapps.pk@gmail.com* have been delivered. But delivery to the e-mail ID *support@gbapp.com.pk* was reported incomplete and failed. The Complainant as per e-mail dated 23rd January, 2025 has informed the Tribunal that bounce back messages have been received from one of the e-mails of the Respondent, though it was resent on several occasions. Moreover, the Complainant has also requested to waive the condition of hardcopy service on the Respondent pointing out that the postal address of the Respondent appears to be incomplete and that eventhough hardcopy of the documents are to be served under Rule 3(d) of the INDRP Rules of Procedure, it is very difficult to send large quantities of paper documents via postal service especially since delivery cannot be ensured in the right address as the Respondent's address available is incomplete. Accordingly, the Tribunal vide e-mail dated 3rd February, 2025 waived the serving of



hardcopies on the Respondent and the service of the Complaint and Annexs was declared complete in view of the delivery effected to the Respondent's e-mail *gbapps.pk@gmail.com* under Rule 2(d) (iii) of the INDRP Rules of Procedure.

4.5 Since the Respondent failed to submit reply/response to the Domain Complaint within the time limit as mandated in the Notice dated 17th January, 2025 of the Tribunal and as the said time period had expired on 1st February, 2025, the Tribunal as per e-mail dated 3rd February, 2025 granted the Respondent with another opportunity under Rule 13 of the INDRP Rules of Procedure to submit reply to the domain complaint within a further period of 10 days. But the Respondent did not submit any reply/response and the said time period had also expired on 13th February, 2025.

4.6 Accordingly, as per e-mail dated 17th February, 2025, the Tribunal set the Respondent *ex-parte* and decided to proceed under Rule 17 of the INDRP Rules of Procedure.

5. Grounds urged for the Administrative Proceedings:

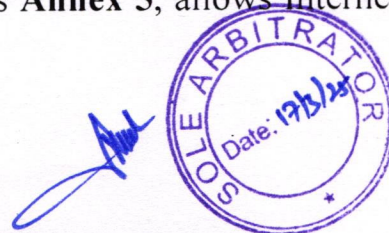
5.1 The disputed domain name is confusingly similar to Complainant's.

5.2 The Registrant has no rights or legitimate interests in respect of the domain name.

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

6. Complainant's Contentions:

6.1 The Complainant **WhatsApp LLC** is provider of world's most popular mobile messaging applications (or "apps"). Founded in 2009 and acquired by Meta Platforms, Inc. (formerly known as Facebook, Inc.) (Meta) in 2014, the application **WhatsApp** allows users across the globe to exchange messages for free via smart phones, including iPhone and Android. To substantiate the above facts, the Complainant produced **Annex 2** copy of Certificate of conversion of a Corporation to an LLC changing the Complainant's name from 'WhatsApp Inc' to 'WhatsApp LLC'. The Complainant would further content that its main website available at *www.whatsapp.com*, the screen capture of the website homepage of which is produced as **Annex 5**, allows Internet users to access its messaging platform.



6.2 According to the Complainant, '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 and it has acquired considerable reputation and goodwill worldwide, including in Pakistan where the Respondent appears to be based. Consistently being ranked amongst Google Play and Apple iTunes 25 most popular free mobile applications and Tech Radar's Best Android Apps, WhatsApp is the 4th most downloaded application for iOS phones worldwide. In support of that, the Complainant relies on **Annex 6** copy of the company information, its Wikipedia entry, press articles on Meta's acquisition of WhatsApp in 2014, WhatsApp's rankings, and its rapid growth and international popularity worldwide.

6.3 Reflecting its global reach, the Complainant would point out that it is the owner of numerous domain names, comprising its WHATSAPP trade mark, under various generic Top-Level Domains (gTLDs) as well as under many country code Top-Level Domains (ccTLDs). In order to establish it, the Complainant produced **Annex 7** copy of the WHOIS record for a selection of domain names comprising its WHATSAPP trade mark.

6.4 It is contended further that the Complainant has also made substantial investments to develop a strong presence online by being active on various social-media forums. For instance, WhatsApp's official page on Facebook has over 35 million "likes". In addition, WhatsApp has 5.5 million followers on X (formerly Twitter). These pages are available at the following URLs:

<https://www.facebook.com/WhatsApp/>

<https://x.com/WhatsApp>

<http://www.youtube.com/whatsapp>

<https://www.linkedin.com/company/whatsapp-inc/about/>

The Complainant produced **Annex 8** screen capture of its social media pages in support of the above contention.

6.5 The Complainant would content that it owns numerous trademark registrations in the term WHATSAPP in many jurisdictions throughout the world, which are as follows:

