

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Naeem Ahmad and Mytoolz net
Case No. D2025-1469

1. The Parties

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

The Respondents are Naeem Ahmad, India and Mytoolz net, United States.

2. The Domain Names and Registrars

The disputed domain name <instamod.me> is registered with CloudFlare, Inc. (the “Registrar”).

The disputed domain name <instamod.net> is registered with BigRock Solutions Pvt Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2025. On April 11, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On April 11 and 12, 2025, the Registrar BigRock Solutions Pvt Ltd. and the previous Registrar of the disputed domain name <instamod.me> transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 16, 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 April 18, 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 April 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2025. The Respondent sent an email communication to the Center on April 19, 2025.

On April 28, 2025, the Center received an email communication from the previous Registrar of the disputed domain name <instamod.me>, stating that the domain name was transferred to the Registrar CloudFlare, Inc. due to an internal technical issue. Consequently, on May 30, 2025, the Center sent a request for registrar verification regarding the disputed domain name <instamod.me> to the Registrar CloudFlare, Inc. On the same day, the Registrar CloudFlare, Inc. transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <instamod.me> which differed from the named Respondent and contact information in the Complaint and previous registrant information.

The Center sent an email communication to the Complainant on June 4, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on June 10, 2025. The Center invited the Respondents to provide its comments to the amended Complaint on June 16, 2025. No comment was received by June 16, 2025, or as of the drafting of the Decision.

The Center appointed Kaya Köklü as the sole panelist in this matter on June 26, 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 online photo and video sharing services. Since 2010, these services are provided through its internationally known and popular online platform, which primarily consists of a mobile application and a website.

The Complainant is the owner of various INSTAGRAM and INSTA trademark registrations. Its various word and figurative trademarks are registered in a large number of jurisdictions. For instance, the Complainant is the owner of the International Trademark Registration No. 1129314, registered on March 15, 2012, for INSTAGRAM and the United States Trademark Registration No. 5061916, registered on October 18, 2016, for INSTA. Also, the Complainant is the owner of the Indian Trademark Registration No. 3101498 for INSTA, registered on December 5, 2017. The registered trademarks cover protection for various goods and services primarily related to online social networking services.

Furthermore, the Complainant holds and operates its main website at “www.instagram.com”.

The Respondents are reportedly located in India and the United States, respectively.

The disputed domain name <instamod.me> was registered on October 29, 2022.

The disputed domain name <instamod.net> was registered on November 21, 2017.

According to provided screenshots by the Complainant, both disputed domain names resolve to websites that purportedly offer for download Android Package (“APK”) versions of the Complainant’s social media application. On both websites, the Respondents prominently use the Complainant’s INSTA and INSTAGRAM trademarks in combination with close variations of the Complainant’s official INSTAGRAM logo, without a visible disclaimer describing the (lack of) relationship between the Parties.

On February 18 and 19, 2025, the Complainant’s lawyers sent a cease-and-desist letter to the Respondents, but 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 names.

B. Respondents

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

6. Discussion and Findings

6.1 Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

In light of the criteria set out above, the Panel finds that the Complainant has provided unrebutted evidence that both disputed domain names are likely under common control, as apart from their generic Top-Level Domain ("gTLD"), both disputed domain names are identical to each other. Additionally, both disputed domain names resolve to websites which are highly similar to each other and purportedly offer APK versions of the Complainant's application. Moreover, the registrant details of both disputed domain names incorporate the same registrant phone number with a country code associated with India, which suggests a direct connection between the Respondents. The Panel concludes that the Respondents are more likely than not somehow connected. Hence, the Panel accepts that the disputed domain names are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantial Issues

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 names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Paragraph 4(a) of the Policy states that a complainant bears the burden of proving that all these requirements are fulfilled, even if a respondent has not substantively 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 a complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in a complaint as true. [WIPO Overview 3.0](#), section 4.3.

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

The entirety of the INSTA mark and a significant part of the INSTAGRAM mark are reproduced within the disputed domain names. Accordingly, the disputed domain names are both confusingly similar to the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "mod", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Even more, the Panel particularly notes the nature of the disputed domain names, which comprise the Complainant's INSTA trademark in its entirety and is further confusingly similar to its INSTAGRAM trademark. In addition, the allegedly offered APK versions of the Complainant's application are apparently competing with the mobile application as offered by the Complainant under its INSTA and INSTAGRAM trademarks. In view of the Panel, this clearly indicates the Respondent's awareness of the Complainant and its trademarks and the illicit intent to take unfair advantage of them for commercial gain, which does not support a finding of any rights or legitimate interests.

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 in mind when registering the disputed domain names, particularly considering that both disputed domain names are confusingly similar to the Complainant's INSTA and INSTAGRAM trademarks and resolve to websites purportedly offer for download APK versions of the Complainant's social media platform. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain names to target the Complainant.

With respect to the use of the disputed domain names in bad faith, the Panel finds that the Respondent is using the disputed domain names in order to generate traffic to its own websites by misleading third parties in a false belief that the websites associated to the disputed domain names are operated or at least authorized by the Complainant, particularly as the Respondent does not even use a sufficiently visible and clear disclaimer describing the lack of relationship between the Parties. Additionally, offering for download APK versions of the Complainant's social media application by using the Complainant's trademarks and also confusingly similar versions of the Complainant's official logo, is in view of the Panel evidence of the Respondent's bad faith intent to target the Complainant and its services for illegitimate commercial gain. In light of the above, the Panel has no doubts that the Respondent is deliberately creating a likelihood of confusion with the Complainant and its services provided under the INSTAGRAM and INSTA trademarks.

Further, the Respondent's action to transfer the disputed domain name <instamod.me> away from the initial registrar to the current Registrar is another indication of its bad faith, noting in particular the timing of the transfer in close relation to the filing of the present Complaint and the fact that the current registration shares registration details with the initial registration.

Taking all facts of the present case into consideration, the Panel finds that the Respondent has registered and is using the disputed domain names in bad faith.

The Panel concludes 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 names <instamod.me> and <instamod.net> be transferred to the Complainant.

*/Kaya Köklü/
Kaya Köklü
Sole Panelist
Date: July 10, 2025*