

ADMINISTRATIVE PANEL DECISION

Meta Platforms, Inc., Instagram, LLC, WhatsApp, LLC v. Domains By Proxy, LLC / Emir 100k / fdsf dfsds / Instagram help, Instagram Yardim Merkezi / rasimcan yilmaz, serverbutik / mami qwe, sirket, Lara Lala, arda bozkyrt, Abuz Hamal, AbuzMemo Medya, ahmet kaplan, asddasa, adem can, qwe, dusny turker, dakjKJDAKJDKJAS, Kaan Yavuz, aslan sokak, adem kaya, Mdsksndishs dwnsksbe, flores russel, fff ffff, ahmet xd, hestia, Demet Karakus, Kerimhan Duman, Gizem ayyildiz, gurkan kaya
Case No. D2022-0212

1. The Parties

1.1 The Complainants are Meta Platforms, Inc., Instagram, LLC, and WhatsApp, LLC, United States of America (“United States”), represented by Hogan Lovells (Paris) LLP, France.

1.2 The Respondent is Domains By Proxy, LLC, United States / Emir 100k, Turkey / fdsf dfsds, United Kingdom / Instagram help, Instagram Yardim Merkezi, Turkey / rasimcan yilmaz, serverbutik, France / mami qwe, sirket, United States, Lara Lala, arda bozkyrt, Abuz Hamal, AbuzMemo Medya, ahmet kaplan, asddasa, Turkey, adem can, qwe, United States, dusny turker, dakjKJDAKJDKJAS, Kaan Yavuz, aslan sokak, adem kaya, Turkey, Mdsksndishs dwnsksbe, Netherlands, flores russel, Germany, fff ffff, ahmet xd, hestia, Demet Karakus, Kerimhan Duman, Gizem ayyildiz, gurkan kaya, Turkey.

2. The Domain Names and Registrar

2.1 The disputed domain names <fbhelpservice.com>, <helpinstagramblue.com>, <help-instagram-safety.com>, <helpinstagramcenters.com>, <help-Instagram-community.com>, <help-Instagram-safety.com>, <helps-Instagram-copyrights.com>, <helps-portal-Instagram.com>, <ig-bluebadge-verify.com>, <ig-helps.com>, <instagramconfirms.com>, <instagramofficialbadgeform.com>, <instagramofficialcenter.com>, <instagramofficialcopyrightform.com>, <instagrampass.com>, <instagramservices-help.com>, <instagram-verify.net>, <instagramform.com>, <Instagram-bluetickbadgeservice.com>, <Instagram-bluetick-service.com>, <Instagram-bluetickservice.com>, <Instagram-copyrightcenter.com>, <Instagrammedia.com>, <Instagramserviceteam.com>, <Instagramserviceteams.com>, <Instagram-services-whatsapp.com>, <Instagramtr.com>, and <verifyinstagrambadge.com> (the “Domain Names”) are registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 21, 2022. At that time 9 of the 28 Domain Names were registered using the Domains By Proxy, LLC privacy service¹ and in the case of the remaining 19 Domain Names, the publicly available Whois information redacted the registration and contact details for those Domain Names.

3.2 On January 24, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On January 25, 2022, the Registrar transmitted by email to the Center its verification response disclosing the underlying registrant and contact information in respect of the Domain Names. The Center sent an email communication to the Complainant on January 27, 2022 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 February 7, 2022.

3.3 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”).

3.4 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2022.

3.5 The Center appointed Matthew S. Harris as the sole panelist in this matter on March 10, 2022. 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

4.1 There are three Complainants in this case. The first is Meta Platforms Inc. (“Meta”). Prior to October 28, 2021 it was known as Facebook Inc. The second is Instagram, LLC (“Instagram”). The third is WhatsApp, LLC, (previously known as “WhatsApp, Inc.”). They are all United States registered corporations. Instagram and WhatsApp, LLC (“WhatsApp”) are also wholly owned subsidiaries of Meta.

4.2 Each of these companies are very well known worldwide, being the companies responsible for the Facebook, Instagram, and WhatsApp social media and messaging platforms. Facebook was founded in 2004 and currently has 2.9 billion monthly active users worldwide. Instagram was launched in 2010 and currently has over 1 billion monthly active users. WhatsApp was founded in 2009 and currently has 2 billion monthly active users worldwide.

4.3 Meta is the owner of a number of registered trade marks that incorporate or comprise the letters “fb”. They include:

(i) United States Trademark Registration No. 4659777, for FB as a standard character mark, registered on December 23, 2014 in class 35; and

(ii) European Union Trade Mark No. 008981383, for FB as a word mark, registered on August 23, 2011 in class 45.

¹ The term “privacy service” is being used here in a broad sense to cover both Privacy Services and Proxy Services as defined in paragraph 1 of the Specification on Privacy and Proxy Registrations that form part of the 2013 Registrar Accreditation Agreement.

4.4 Instagram is the owner of a number of registered trade marks that incorporate or comprise the term “instagram” or the letters “ig”. They include:

- (i) Turkish registered trade mark no 2012/85440 for INSTAGRAM (which appears to take the form of typed text in capitals), registered on April 28, 2015 in classes 9 and 42;
- (ii) European Union Trade Mark No. 014493886, for INSTAGRAM as a word mark, registered on December 24, 2015 in classes 25, 35, 38, 41 and 45; and
- (iii) European Union Trade Mark No. 017946393, for IG as a word mark, registered on January 31, 2019 in classes 9, 42, 45.

4.5 Whatsapp is the owner of a number of registered trade marks that incorporate or comprise the term “whatsapp”. They include:

- (i) Turkish Trade mark No. 2011/70159, for WHATSAPP (which appears to take the form of typed text in capitals), registered on December 28, 2012 in classes 9, 38; and
- (ii) European Union Trade Mark No. 009986514, for WHATSAPP as a word mark, registered on October 25, 2011 in classes 9, 38 and 42.

4.6 There are 28 Domain Names. They are listed in alphabetical order in schedule A to this decision. The registration details that have been provided by the Registrar for each of the Domain Names and how they have been used (if at all) is summarised in this schedule. The common features of the Domain Name are addressed in greater detail in the part of this decision which deals with the issue of “consolidation” of those proceedings. For present purposes, it is sufficient to note as follows:

- (i) All the Domain Names were registered with the Registrar over an approximate 7 week period from August 19, 2021 to October 9, 2021.
- (ii) A few of the Domain Names have been registered in the same names but for the most part different registrant names and addresses have been given.
- (iii) None of the contact addresses given for the Domain Name is complete, and many of the names and addresses provided are simply gibberish. Indeed, the combination of letters used in many cases suggest that the registrant has typed a number of random letters that are close to one another on a standard Qwerty keyboard.
- (iv) The vast majority, but not quite all, of the Domain Names use an address or phone number that appears to have some form of Turkish connection.
- (v) All of the Domain Names incorporate a mark of one of the Complainants (and in the case of <Instagram-services-whatsapp.com> two marks of the Complainants) with either ordinary English words or some other term.
- (vi) In the case of the Domain Names that incorporate the term “instagram”, in many cases the letter “i” has been replaced with the letter “l” (*i.e.* a lower case “l”), with the obvious intention that the person reading the Domain Name would mistake the letter “l” (lower case “l”) for a capital “I”.

5. Parties' Contentions

A. Complainant

5.1 A large part of the Complaint is understandably devoted to the question of whether these proceedings in respect of multiple domain names can be "consolidated". There are two aspects to this; *i.e.* what is described as "consolidation of multiple complainants" and "consolidation of multiple respondents". So far as "consolidation of multiple respondents" the Amended Complaint comprehensively addresses the additional registrant and contact information provided by the Registrar in relation to the Domain Names following the filing of the initial Complaint. The arguments raised are separately considered and addressed on the question of consolidation later on in this decision, but in short the Complainants contend that so far as multiple respondents are concerned "the Domain Names are registered to the same person, or are under the common control by connected parties".

5.2 The Complaint also sets out extensive details as to the Complainants' businesses, connections, and marks, which has already been summarised in the Factual Background section of this decision.

5.3 The Complaint further analyses the structure of the Domain Names and how they are said to incorporate the Complainants' marks and how the Domain Names have been used. So far as use is concerned, 24 of the Domain Names are said not to resolve to any website, 3 are said to resolve to a "deceptive website" warning page produced by the relevant Internet browser, and where if the Internet user insists on proceeding to the website concerned, two do not in fact resolve and the third resolves to a pay-per-click ("PPC") website. The remaining Domain Name (<Instagramserviceteam.com>) also separately resolves to a website with a PPC site, which also indicates that the Domain Name is for sale. Which of the Domain Names falls into which categories is again recorded in Schedule A to this decision.

5.4 The Complaint contends that each of the Domain Names is confusingly similar to at least one of the Complainants' marks. It also contends that the nature of the Domain Names and the manner in which they have or have not been used is such that the burden of proof passes to the Respondent to show that it has a right or legitimate interest in the Domain Names and that the Domain Names have been both registered and used in bad faith. In this respect it contends *inter alia* that none of the examples of rights or legitimate interests set out in paragraph 4(c)(i) apply and that the PPC use made of some of the Domain Names is not a *bona fide* offering of services. It also relies upon the reputation of the Complainants business and marks, the fact that the webpage produced by the relevant Internet browser suggested that some of the Domain Names have been used in connection with some deceptive purpose and asserts that there can still be bad faith registration and use when a domain is passively held.

B. Respondent

5.5 The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 There are no exceptional circumstances within paragraph 5(f) of the Rules so as to prevent this Panel from determining the dispute based upon the Complaint, notwithstanding the failure of any person to lodge a Response.

6.2 Notwithstanding that default, it remains incumbent on the Complainants to make out their case in all respects set out in paragraph 4(a) of the Policy. Namely, the Complainants must prove that:

- (i) the Domain Names are identical or confusingly similar to a trade mark or service mark in which the Complainants have rights (paragraph 4(a)(i)); and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Names (paragraph

4(a)(ii)); and

(iii) the Domain Names have been registered and is being used in bad faith (paragraph 4(a)(iii)).

6.3 However, under paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, the Panel shall “draw such inferences therefrom as it considers appropriate”.

6.4 The Panel will address each aspect of the Policy in turn. But as will be seen, the Panel is more than satisfied that the Complainants have demonstrated in respect of all of the Domain Names, the requirements of paragraphs 4(a) of the Policy. The more difficult question is whether the proceedings can continue as a single set of proceedings in respect of all of the Domain Names. It is, therefore, appropriate and necessary to consider the issue of “Consolidation” first.

A. Request for Consolidation

6.5 The Complainants request that these proceedings involving multiple Complainants and multiple disclosed registrations be “consolidated”. The Complainants use the term “consolidation” because this is the language used in a number of cases and in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). However, “consolidation” is something that is only mentioned in the UDRP itself at paragraphs 4(d) and (f). The wording of these provisions is as follows:

“d. Selection of Provider. The complainant shall select the Provider from among those approved by ICANN by submitting the **complaint** to that Provider. The selected Provider will administer the proceeding, except in cases of consolidation as described in Paragraph 4(f).

[...]

f. Consolidation. In the event of multiple disputes between you and a complainant, either you or the complainant may petition to consolidate the disputes before a single Administrative Panel. This petition shall be made to the first Administrative Panel appointed to hear a pending dispute between the parties. This Administrative Panel may consolidate before it any or all such disputes in its sole discretion, provided that the disputes being consolidated are governed by this Policy or a later version of this Policy adopted by ICANN.”

6.6 The language used in this paragraph covers the situation where separate proceedings have been brought in relation to a number of domain names before different panels and either the Complainant or the Respondent petitions that those separate proceedings be consolidated before a single panel.

6.7 That is not the situation or question here. It is instead whether a single set of proceedings can continue when it is brought by multiple complainants in relation to different domain names, and where those domain names are registered in different names.

6.8 Consolidation is also mentioned in paragraph 10(e) of the Rules. This states as follows:

“(e) A Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.”

What consolidation means in this context is less clear, but the reference to a “request by a Party” and in “accordance with the Policy” strongly suggests that the consolidation envisaged here is that also provided for in paragraph 4(f) of the UDRP. Even if it is something wider, there is nothing else in the Policy and the Rules that addresses the question of “consolidation”, and therefore paragraph 10(e) it is a relatively empty and uninformative provision.

6.9 However, the issue of proceedings brought by multiple complainants is directly addressed in section 4.11 of the [WIPO Overview 3.0](#). This states:

“4.11 How do panels address consolidation scenarios?”

The WIPO Center may accept, on a preliminary basis, a consolidated complaint where the criteria described below are *prima facie* met. Any final determination on consolidation would be made by the appointed panel, which may apply its discretion in certain circumstances to order the separation of a filed complaint. In all cases, the burden falls to the party seeking consolidation to provide evidence in support of its request.

4.11.1 Multiple complainants filing against a single respondent

Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. [...]

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.”

6.10 In this section of the Overview, consolidation is clearly being used in a different sense than in paragraph 4(f) of the Policy and, for the reasons already explained, the Panel is not convinced that paragraph 10(e) is either that relevant or that informative in this situation. But the Panel accepts the substantive comments as to when a panel will accept a complaint filed by multiple complainants. It is a stance which even if not founded in paragraph 10(e) of the Rules, is nevertheless a sensible one. If it requires a justification in the Rules, that can be found in the wide-ranging procedural powers granted to a panel by paragraph 10(a) of the Rules.

6.11 With this in mind, the Panel accepts that there is good reason to allow the three separate Complainants in these proceedings to pursue their claims in a single set of proceedings. Although, each of the Complainants in this case rely upon different rights, they form part of the same group, and the Panel accepts that the Domain Names have a similar structure and have been used in broadly the same way. This provides a sufficient common grievance, and each Complainant has been a victim of sufficiently common conduct for the purposes of the Policy.

6.12 The more difficult issue is whether notwithstanding their common interest and grievance, proceedings can continue where the Domain Names are for the most part registered in different names. Although there is no express prohibition in the Policy and Rules against proceedings brought by multiple Complainants, the position in relation to claims brought against more than one registrant appears to be different. In particular, paragraph 3(c) of the Rules states as follows:

“The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.”

6.13 As this Panel stated in *Accor v. Jose Garcia, Jan Cerny, N/A, Dopici Nasrat*, [WIPO Case No. D2010-0471](#):

“The starting point is that normally it is not possible to commence a single UDRP proceeding in relation to domain names registered in the name of more than one person. Paragraph 3(c) of the Rules state that ‘The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder’, and although this is permissive rather than a proscriptive provision, the intent of the drafters of the Rules seems reasonably clear. So in a case where a complaint is filed against multiple unconnected respondents, a panel may continue that case against one of the respondents and dismiss it against the others (see for example *The Cartoon Network LP, LLLP v. Mike Morgan*, [WIPO Case No. D2005-1132](#)). [Footnote: ‘With respect to consolidation of multiple domain names and respondents under the Policy, where there is an element of connection and common control, see also the learned panellist

discussion in *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, [WIPO Case No. D2010-0281](#).”]

6.14 The rationale for the restriction that domain names must be registered by the “same domain-name holder” is not clear, but one suspects it was designed to keep matters procedurally straightforward and to prevent what were essentially quite separate complaints being bundled into a single set of proceedings in a manner that might be unfair to the separate respondents. A similar conclusion was reached by the panel in *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons* WIP Case No. [D2010-0281](#). Given that at the time the Policy and Rules were initially crafted the identity and the contact details of the registrant could be easily obtained by a Whois search, this is perhaps understandable. A complainant could access details of the purported registrant before deciding how to construct its complaint. However, with the advent of “privacy services” designed to disguise who was the underlying registrant of a domain name, this provision has in many cases made matters more complex rather than less procedural. Where such services are being used and if “domain-name holder” is interpreted as referring to the true underlying registrant (a point to which this decision returns), a complainant cannot always be sure when it commences proceedings in relation to more than one domain name whether those proceedings are procedurally compliant. This is not only inherently unfair to complainants, but also is a state of affairs that can obviously be taken advantage of by unscrupulous registrants.

6.15 More recently this issue has become more acute as a result of the ICANN Temporary Specification for gTLD Registration Data (the “ICANN Temporary Specification”). The ICANN Temporary Specification was issued in May 2018 in response to a concern expressed by some as to whether a generally accessible database of registrants was consistent with the requirements of General Data Protection Regulation (GDPR) adopted by the European Union. Although expressed to be “Temporary” the Specification remains in force nearly 4 years later. It provides that in certain circumstances, certain fields, including the registrant’s name, in the publicly available Whois database must be redacted. It would appear to be the reason why in the present case all but eight of the Domain Names (where a “privacy service” was used), the registrant data for the underlying registrants has been redacted. Annex E of the ICANN Temporary Specification requires disclosure of underlying registrant data after UDRP proceedings have been commenced, but this does not address the underlying potential unfairness if this information cannot be accessed in advance. Paragraph 4.1 of Annex A of the ICANN Temporary Specification does require registrars to provide data to third parties “on the basis of a legitimate interests pursued by the third party”, but this is expressed as qualified as subject to Article 6(1)(f) of the GDPR and it is not at all clear that there is any particular consistency in how the requirement and qualification is implemented by different registrars.

6.16 For these reasons, it is now highly questionable as to whether paragraph 3(c) of the Rules remains fit for purpose – or at least how practical its application is in the current ICANN Temporary Specification circumstances – and whether justice would be better served if it were replaced with a provision that gave a discretion to panels to allow claims brought against multiple names registrants, subject to a provision that a panel be satisfied that doing so would be equitable and procedurally efficient.

6.17 Nevertheless, it is incumbent on the Panel to conduct and decide cases before it on the basis of the Policy and Rules that apply (see paragraphs 10(a) and 15(a) of the Rules). Therefore, it is necessary to apply paragraph 3(c) of the Rules to this case. In this respect, once again previous panel practice in this respect is helpfully summarised in the [WIPO Overview 3.0](#). In particular, it records as follows:

“4.11.2 Complaint consolidated against multiple respondents

Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants’ identity(ies) including pseudonyms, (ii) the registrants’ contact information including email address(es), postal

address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).”

6.18 It is inherent in this description of panel practice and its reference to “common control”, that previous panels have adopted a wide interpretation of “same domain name holder”.

6.19 In this particular case, common factors that connect all of the Domain Names is that they were all registered with a single Registrar over a relatively short period of time.

6.20 It is also clear that certain groups of Domain Names are undoubtedly controlled by the same person. In particular (and using the numbers used to identify the Domain Name in Schedule A to this decision):

- (i) Domain Names 1, 10, and 18 were registered in the name of the same person.
- (ii) Domain Names 19, 20, and 21 were registered in the name of the same person.
- (iii) Domain Names 7, 8, 9, 24, and 25 were all hosted on the same server (and in the case of Domain Names 24 and 25 the same contact telephone numbers were used)
- (iv) Domain Names 11 and 14 were all registered in the name of the same person.

6.21 There is also a number of other common features that strongly suggest that certain groups of domain names are under common control. They are as follows:

(i) Domain Names 1, 4, 5, 6, 21, 22, 23, 24, 25, 26, and 27 all incorporate a misspelling of the mark INSTAGRAM, with the use of the letter “l” rather than the letter “i”, and with all of these Domain Names (except Domain Name 27) combining this particular misspelling with ordinary English words. It is of course possible that separate cybersquatters may have independently decided to engage in this very particular form of “typosquatting”, using the same Registrar and at approximately the same time, but this seems improbable.

(i) All but five of the domain names (*i.e.* Domain Names 2, 4, 7, 17, and 28) use an address or a telephone number that suggests that the registrant is in Turkey. Of the five remaining Domain Names, one gives a registrant name that appears to be Turkish. It is of course again quite possible that separate persons in Turkey decided to engage in conduct contrary to the Policy in respect of this particular group of companies. But again, for this to have been done through the same Registrar and at approximately the same time seems unlikely.

6.22 Further, Domain Names 1, 4, 9, 10, 11, 19, and 23 were all at the time that the Complaint was issued registered in the name of the same privacy or proxy service. This does not by itself mean that the Domain Names were all controlled by the same underlying entity, but the requirement of paragraph 3(c) of the Policy is that the relevant domain names have the same “domain name holder”. It seems at least arguable that the phrase “domain name holder” is wide enough to cover not just the underlying registrant but any entity that has an interest in the domain name or in whose name a domain name has been publicly registered.

6.23 Linking all these different connections, and even discounting the argument related to the use of the same privacy service, the Panel is prepared to accept in this case that (with one possible exception) all the Domain Names share sufficient common features to enable the Complaint to demonstrate at least a *prima facie* case that those Domain Names are under common control and/or otherwise have the same “domain

name holder". In the absence of argument or evidence to the contrary, this is sufficient to allow this case to continue as a single set of proceedings under the Policy.

6.24 The one possible exception is Domain Name 17 (*i.e.* <instagram-verify.net>). This Domain Name involves no misspelling of the term "instagram" and there was no use of the Registrar's privacy service. The name, address, and telephone number given for this Domain Name shares no obvious common features with the equivalent details provided for the other Domain Names, and there is also no obvious Turkish connection. Instead, the disclosed contact details for this Domain Name, purport to give an address in Borklund, Germany. The Panel also notes that this Domain Name involves a ".net" generic Top-Level Domain ("gTLD"), whilst all the other Domain Names involve the ".com" gTLD.

6.25 Nevertheless, ultimately the Panel is prepared to accept, in the absence argument or evidence to the contrary, that this Domain Name is under the same common control as the others. The reasons for this are as follows:

(i) The use of a common Registrar and the timing of registration already mentioned. So far as timing is concerned, this Domain Name was also registered on the same day as two other "Instagram" related Domain Names (*i.e.* <help-instagram-safety.com> and <help-Instagram-safety.com>);

(ii) <instagram-verify.net> in common with 25 of the 28 Domain Names uses the same domain servers. The Whois printouts provided by the Complainants suggest that this is because all of these Domain Names have been acquired through the same domain name reseller;

(ii) The Panel accepts the Complainants' contention that the German address given for the Domain Name is a false one;

(iii) The Domain Name contains the word "verify". This is a feature that it has in common with two other "Instagram" related Domain Names (*i.e.* <verifyintagrambadge.com> and <ig-bluebadge-verify.com>); and

(iv) The Complainants have clearly and unambiguously asserted that all the Domain Names including this one, are registered to the same person or are under common control by connected parties. No one purporting to be the holder of the <instagram-verify.net> Domain Name has claimed that he or she is unconnected with the controller of the other Domain Names. It is perhaps unrealistic to expect that the holder of the Domain Name would file a formal Response just to dispute this allegation of ownership where there is no substantive defence under the Policy. However, this has not even been asserted informally by way of email or otherwise.

6.26 Had the Panel concluded that the <instagram-verify.net> Domain Name is not under relevant common control, it is likely that the Panel would have invited the Complainant to follow the procedure set out by *RapidShare AG, Christian Schmid v. PrivacyAnywhere Software, LLC, Mikhail Berdnikov (Protected Domain Services Customer ID: DSR-2262893, Protected Domain Services Customer ID: DSR-2092987)*, WIPO Case No. [D2010-0864](#). It is a procedure that does not appear to have been adopted by many, if any, other panels since that date, but the Panel is also not aware of any decision in which it has been disavowed. Nevertheless, as the Panel has concluded that these proceedings can continue in relation to all 28 Domain Names together, there is no need to consider this point further.

A. Identical or Confusingly Similar

6.27 In order to satisfy the first element of the Policy it is usually sufficient for a complainant to show that the relevant mark is "recognizable within the disputed domain name" (as to which see section 1.7 of the [WIPO Overview 3.0](#)).

6.28 The Domain Name <fbhelpservice.com> can only be sensible understood as the letters "fb" in combination with the ordinary English words "help" and "service" and the ".com" gTLD. The Complainant,

Meta, has demonstrated that it has registered trade mark rights for FB. That mark is therefore clearly recognisable in that Domain Name.

6.29 The Domain Names <ig-bluebadge-verify.com> and <ig-helps.com>, can only be sensibly understood as the letters “ig” in combination with the ordinary English words “blue badge verify” or “helps” and the “.com” gTLD. The Complainant, Instagram, has demonstrated that it has registered trade mark rights for IG. That mark is therefore clearly recognisable in these Domain Names.

6.30 The Domain Names <helpinstagramblue.com>, <help-instagram-safety.com>, <helpinstagramcenters.com>, <help-Instagram-community.com>, <help-Instagram-safety.com>, <helps-Instagram-copyrights.com>, <helps-portal-Instagram.com>, <instagramconfirms.com>, <instagramofficialbadgeform.com>, <instagramofficialcenter.com>, <instagramofficialcopyrightform.com>, <instagrampass.com>, <instagramservices-help.com>, <instagram-verify.net>, <instgramform.com>, <Instagram-bluetickbadgeservice.com>, <Instagram-bluetick-service.com>, <Instagram-bluetickservice.com>, <Instagram-copyrightcenter.com>, <Instagrammedia.com>, <Instagramserviceteam.com>, <Instagramserviceteams.com> and <verifyinstagrambadge.com>, can only be sensibly understood as the term “instagram” in combination with one or a number of the ordinary English words “badge”, “blue”, “center” or “centers”, “community”, “copyright” or “copyrights”, “form”, “help” or “helps”, “media”, “official” “portal”, “safety”, “service” or “services”, “tick”, “team” or “teams”, or “verify” and the “.com” or “.net” gTLD. The fact that in many cases the letter “l” (*i.e.* a lower case “l”) has been used makes no difference. Where this letter is used, the Domain Name is clearly intended to be read as if it is using an upper case “I” (even though the Domain Name System and domain names as such are case-insensitive, and so are generally not represented with upper case letters).

6.31 Similarly, the Domain Name <Instagramtr.com>, can only be sensibly understood as the term “Instagram” in combination with the letters “tr” (which in turn is most likely to be understood as a reference to Turkey).

6.32 The Complainant, Instagram, has demonstrated that it has registered trade mark rights for INSTAGRAM. That mark is therefore clearly recognisable in all these Domain Names.

6.33 Finally, the Domain Name <Instagram-services-whatsapp.com>, can only be sensibly understood as the term “Instagram”, the English word “service”, and the term “whatsapp” in combination with the “.com” gTLD. In addition to the Complainant, Instagram, demonstrating that it has registered trade mark rights for INSTAGRAM, the Complainant, WhatsApp, has demonstrated that it has registered trade mark rights for WHATSAPP. Both marks are, therefore, clearly recognisable in this Domain Name.

6.34 The Complainants have therefore satisfied the requirements of paragraph 4(a)(i) of the Policy.

C. Rights or Legitimate Interests

6.35 For reasons that are set out in greater detail in the “bad faith” section of this decision, the Panel has formed the view that whoever it is that actually controls the Domain Names, that person has registered and is holding those Domain Names with a view to use those Domain Names in order to falsely represent that the person controlling those Domain Names is either one of the Complainants or to suggest some form of affiliation or association with at least one of the Complainants or otherwise to take unfair advantage of the reputation of at least one of the Complainants’ trade marks. There is no right or legitimate interest in using a domain name in this way and it is *prima facie* evidence that no such right or legitimate interest exists (see section 2.15 of the [WIPO Overview 3.0](#)). Therefore, in the absence of any argument or evidence to the contrary the Complainant has made out the requirements of paragraph 4(a)(iii) of the Policy

D. Rights or Legitimate Interests and Registered and Used in Bad Faith

6.36 The Complainants have refrained from asserting that all of the Domain Names which have been registered are being held with a view to some form of fraud. Instead, they more cautiously assert that they “cannot exclude the possibility that such domain names may be used as hyperlinks or for email in connection with fraudulent schemes targeting the Complainant[s] users”. However, it does rely in two cases (*i.e.* <instagramofficialbadgeform.com>, and <instagrampass.com>) that the Domain Names resolved to a “deceptive website” warning page provided by the relevant Internet browser.

6.37 Further, the Complainants generally claim that there is no plausible good-faith use to which the Domain Names could be put that would not have the effect of misleading consumers as to the source or affiliation of the Domain Names.

6.38 The Panel accepts that at the very least this assertion of no plausible good-faith use is correct. The Domain Names that use a lower case “l”, in a manner that looks like an upper case “I” are inherently deceptive in that they are deliberately designed to be misread by Internet users as the Complainant INSTAGRAM mark. It is, therefore, difficult to conceive of how these Domain Name could be non-deceptively used.

6.39 Further, the Panel accepts the Complainants’ contention that words such as “help center” and “official” in some of the Domain Names are particularly likely to be understood as referring to a service provided by the relevant Complainant. However, regardless of how particular words or terms might be understood, none of the additional words or terms used in combination with the Complainants marks clearly distinguish the owner or operator of the Domain Name from the relevant Complainant. Accordingly, the Panel is satisfied that each of the Domain Names inherently impersonates at least one of the Complainants (as to which see, for example the Panel’s approach in *Johnson & Johnson v. Ebubekir Ozdogan* WIPO Case No. [D2015-1031](#)). As such, it is clear the Respondent had the Complainants’ well-known trade marks in mind when registering the Domain Names and is seeking to take unfair advantage of or otherwise abuse such marks.

6.40 In these circumstances, the Complainants have made out the requirements of paragraph 4(a)(iii) of the Policy.

7. Decision

7.1 For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Names, <fbhelpservice.com>, <helpinstagramblue.com>, <help-instagram-safety.com>, <helpinstagramcenters.com>, <help-Instagram-community.com>, <help-Instagram-safety.com>, <helps-Instagram-copyrights.com>, <helps-portal-Instagram.com>, <ig-bluebadge-verify.com>, <ig-helps.com>, <instagramconfirms.com>, <instagramofficialbadgeform.com>, <instagramofficialcenter.com>, <instagramofficialcopyrightform.com>, <instagrampass.com>, <instagramservices-help.com>, <instagram-verify.net>, <instagramform.com>, <Instagram-bluetickbadgeservice.com>, <Instagram-bluetick-service.com>, <Instagram-bluetickservice.com>, <Instagram-copyrightcenter.com>, <Instagrammedia.com>, <Instagramserviceteam.com>, <Instagramserviceteams.com>, <Instagram-services-whatsapp.com>, <Instagramtr.com>, and <verifyinstagrambadge.com>, be transferred to the Complainants.

Matthew S. Harris

Sole Panelist

Date: March 20, 2022

SCHEDULE A

DN no.	Domain Name	Registration Date	Registrar	Domain Servers	Web page	Pre-proceedings Whols	Registrant	Gibberish in Address	Country Indicated in Address	Telephone country code	Other features
1	fbhelpservice.com	19/08/2021	Wild West Domains LLC	AZURE E	-	Domains By Proxy, LLC	Emir 100k	-	Turkey	Turkey	Same contact details as DN10 and DN18
2	helpinstagramblue.com	06/10/2021	Wild West Domains LLC	AZURE	-	Redacted	Mdsksndishs dw nsksb	Ndksnsjsbs	-	Netherlands	
3	help-instagram-safety.com	15/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Kaan Yavuz		Turkey	Turkey	Same contact details as DN 5
4	helpinstagramcenters.com	04/09/2021	Wild West Domains LLC	AZURE	-	Domains By Proxy, LLC	Mami qw e [Sirket]	Qw ew qewqw	-	United States	
5	help-Instagram-community.com	03/10/2021	Wild West Domains LLC	AZURE	-	Redacted	Kaan Yavuz		Turkey	Turkey	Same contact details as DN 3
6	help-Instagram-safety.com	15/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Ahmet xd	-	Turkey	Turkey	Hosted on same server as DN8, DN9, DN24 and DN25
7	helps-Instagram-copyrights.com	13/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Adem can	Qw e wqe3212	-	United States	Hosted on same server as DN7, DN9, DN24 and DN25

8	helps-portal-Instagram.com	29/08/2021	Wild West Domains LLC	AZURE	-	Redacted	Abuz Hamal	-	Turkey	Turkey	Hosted on same server as DN7, DN8, DN24 and DN25
9	ig-bluebadge-verify.com	09/10/2021	Wild West Domains LLC	AZURE	-	Domains By Proxy, LLC	Gurkan kaya	Sdfsd	Turkey	Turkey	
10	ig-helps.com	29/08/2021	Wild West Domains LLC	AZURE	-	Domains By Proxy, LLC	Emir 100k	-	Turkey	Turkey	Same contact details as DN1 and DN18
11	instagramconfirms.com	05/09/2021	Wild West Domains LLC	AZURE	-	Domains By Proxy, LLC	Fff ffff	Fff ffff	-	Turkey	
12	instagramofficialbadgeform.com	07/10/2021	Wild West Domains LLC	AZURE	Deceptive website - No website	Redacted	Kerimhan Duman	Asd	Turkey	Turkey	Same contact details as DN14
13	instagramofficialcenter.com	22/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Demet Karakus	-	Turkey	Turkey	
14	instagramofficialcopyrightform.com	07/10/2021	Wild West Domains LLC	AZURE	-	Redacted	Kerimhan Duman	Asd	Turkey	Turkey	Same contact details as DN11
15	instagrampass.com	26/08/2021	Wild West Domains LLC	INTERNET BILSIM.NET	Deceptive website - No website	Redacted	Arda bozkyrt	-	Turkey	Turkey	
16	instagramservices-help.com	18/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Gizem ayyildiz	-	Turkey	Turkey	
17	instagram-verify.net	15/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Flores russel		Germany	Germany	

18	instagramform.com	07/10/2021	Wild West Domains LLC	AZURE	-	Redacted	Emir 100k	-	Turkey	Turkey	Same contact details as DN1 and DN10
19	Instagram-bluetickbadgeservice.com	22/09/2021	Wild West Domains LLC	INTERNET BILSIM.NET	-	Domains By Proxy, LLC	Adem kaya	-	Turkey	Turkey	Same contact details as DN20 and DN21
20	Instagram-bluetickservice.com	22/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Adem kaya	-	Turkey	Turkey	Same contact details as DN19 and DN21
21	Instagram-bluetick-service.com	25/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Adem kaya	-	Turkey	Turkey	Same contact details as DN19 and DN20
22	Instagram-copyrightcenter.com	22/08/2021	Wild West Domains LLC	INTERNET BILSIM.NET	-	Redacted	Lara Lala	Qw eqw ldsa dlrw eq	Turkey	Turkey	
23	Instagrammedia.com	25/09/2021	Wild West Domains LLC	AZURE	-	Domains By Proxy, LLC	Fdsf dfsds	dfgdfg	Turkey	UK	
24	Instagramservicesteam.com	13/09/2021	Wild West Domains LLC	AZURE	PPC	Redacted	Ahmet kaplan	Asdasdsdad assda	-	Turkey	Same telephone number as DN25 Hosted on same server as DN7, DN8, DN9 and DN25

25	Instagramservices-ams.com	13/09/2021	Wild West Domains LLC	AZURE	Deceptive website - PPC (for sale)	Redacted	Dusny turker	SADASFDS AFDAS	-	Turkey	Same telephone number as DN24 Hosted on same server as DN7, DN8, DN9 and DN24
26	Instagram-services-w hatsapp.com	21/09/2021	Wild West Domains LLC	AZURE	-	Redacted	Aslan sokak	Aw ds	-	Turkey	
27	Instagramtr.com	09/10/2021	Wild West Domains LLC	AZURE	-	Redacted	Instagram help	-	Turkey	Turkey	
28	verifyinstagrabadge.com	09/10/2021	Wild West Domains LLC	AZURE	-	Domains By Proxy, LLC	Rasimcan yilmaz [Serverbutik]	-	France	France	