

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Adnan Sehitler and Ali Dilsiz
Case No. D2024-4188

1. The Parties

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

The Respondents are Adnan Sehitler and Ali Dilsiz, Türkiye, represented by Atamer Law Firm, Türkiye.

2. The Domain Name and Registrar

The disputed domain names <instafollowers.co> and <instatakipci.com> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 10, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 14, 2024, the Registrar 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 (“Registration Private, Domains By Proxy, LLC”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 15, 2024, 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 October 18, 2024, and a second amended Complaint on December 9, 2024.

The Center verified that the Complaint together with the second amended Complaint (removing several domain names from the initial 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 October 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 18, 2024. The Respondents were granted an extension until November 27, 2024. The Response was filed with the Center on November 27, 2024.

The Complainant filed a request for supplemental arguments on December 16, 2024, in response to the Respondent's counterarguments, to which the Respondent filed an opposition on December 18, 2024.

The Center appointed William Lobelson, Andrew D. S. Lothian, and Michael A. Albert as panelists in this matter on February 17, 2025. The Panel finds that it was properly constituted. Each member of 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.

On February 28, 2025, the Panel issued Procedural Order No. 1 to the Parties in which the Panel declared, in light of the Respondent's email communication of February 18, 2025, that it intended to submit further supplemental filings, that the Panel was aware of the Respondent's contentions and did not expect any further supplemental filings to be submitted. The Panel also thereby extended the Decision due date to March 24, 2025.

4. Factual Background

The Complainant is Instagram LLC and runs a worldwide social networking application.

It owns various trademark registrations in various countries for INSTAGRAM and INSTA, such as:

- US Reg. No. 4146057 INSTAGRAM dated May 22, 2012.
- US Reg. No. 5061916 INSTA dated October 18, 2016. This trademark was filed on the basis of actual use and claims first use in commerce as from September 20, 2011.
- Turkish Reg. No. 2015/95210 INSTA dated June 26, 2016. This trademark has a protection date of November 20, 2015.

The Complainant has also substantiated the fact that it has been using the brand INSTAGRAM as from 2010, the date of its creation, that it counted one million users after two months, and 10 million after a year and that it gained further notoriety from 2012 when it became part of the Meta Group. It has also shown that INSTAGRAM users commonly use the abbreviation "INSTA".

According to Annex 5 submitted by the Respondent himself, INSTAGRAM counted 100 million users in 2013.

In this respect, the Complainant is also able to claim unregistered trademark rights before December 2013 and August 2013, which are the dates when the disputed domain names were originally registered.

The disputed domain names are <instafollowers.co>, initially registered on December 11, 2013, and <instatakipici.com>, initially registered on August 9, 2013, in the name of a single registrant, different from the actual Respondent. The WHOIS historic records show that the ownership of the domain names changed several times.

At the time when the Complaint was filed, the disputed domain names were directed to two very similar web sites, dedicated to the offer for sale of "likes" and followers on various social media platforms, including Instagram.

After the Complaint was filed, they were redirected to two other web sites, "famety.com" and "fenomist.com", respectively, but the contents of which are the same as the earlier web sites.

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.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its earlier trademarks, that the Respondent has no rights or legitimate interests in the disputed domain names, and that the said disputed domain names have been registered and are being used in bad faith, in relation to an offer for sale of "likes" and followers on various social media platforms, and primarily its own social media platform INSTAGRAM.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain names.

It contends that at the time when the disputed domain names were registered (2013), the Complainant did not own any registered trademark for INSTA, that the term INSTA is generic and descriptive and thus remains free to use, that the Respondent has been using the disputed domain names since 2013 and is thus known under the same, that it makes use of the disputed domain names in good faith in relation to a legitimate business of selling "likes" and followers to various social media users.

6. Discussion and Findings

Under the Rules set out in paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondents have 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.

6.1 Other Proceedings

It is noted that the Respondent contends that a civil case has been brought before a Turkish IP Court, relating to "the same dispute in the present case". This is noted in the Response relating to the disputed domain name <instafollowers.co> but is not repeated in the Response relating to the disputed domain name <instatakipci.com>.

The Complainant has indicated that it was not aware of any other legal proceedings that have been commenced in respect of the disputed domain names.

Paragraph 18(a) of the Rules provides that in the event of any legal proceedings being initiated prior to or during an administrative proceeding in respect of a domain name dispute that is the subject of the complaint, the Panel shall have the discretion to decide whether to suspend or terminate the administrative proceeding, or to proceed to a decision.

The Respondent alleged that the civil action had been brought with regard to "the same dispute in the present case." The Panel observes that the Respondent did not file any document evidencing the existence of the alleged civil action, and did not request that the proceedings be suspended or terminated in consequence thereof.

As per paragraph 18(a) of the Rules, the Panel decides, in the absence of any evidence that other proceedings relating to the domain name dispute that is the subject of the Complaint are ongoing, that it shall rule on the present Complaint.

6.2 Consolidation of Multiple Respondents

The Complainant has requested consolidation of the present dispute, despite the fact that the disputed domain names are owned by different Respondents. The Complainant contends that both disputed domain names are registered by the same holder and/or are subject to common control.

The Respondent's representative has replied that the two disputed domain names are owned by two different Registrants so that consolidation is not justified.

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.11: 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.

In the present matter, it is noted that:

Both disputed domain names directed to very similar web sites, and were redirected after the Complaint was filed to also very similar web sites (with different URLs), were registered with the same Registrar and were using the same proxy service.

Both are registered by Turkish residents, which are represented by the same Turkish attorney.

According to the WHOIS historic records, both disputed domain names originally used the same name servers and were owned by the same registrant (different from the actual Respondent).

The Panel finds that consolidation of the disputes is not unfair or inequitable to any Party. Notably, the Respondent's representative has filed largely identical Responses to the Complaint in respect of each of the disputed domain names.

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.

6.3 Admissibility of Supplemental Filings

The Complainant has submitted a first initial complaint that targeted a larger number of domain names. When the identity of the Respondent (who had used a Proxy Service) was disclosed, the Complainant amended the Complaint. It was then found that the number of domain names owned by the same respondent was fewer than initially claimed, so the Complainant filed a second amended Complaint targeting the two disputed domain names and the identified Respondent. This second amended Complaint does not contain additional arguments by comparison with the initial Complaint.

The Complainant then submitted a supplemental filing on December 16, 2024, after the Respondent filed a Response in respect of each of the disputed domain names. The Complainant requested the Panel to accept its supplemental filings as the same responds to some matters that the Respondent raised in its Response, and which could not be anticipated and addressed earlier.

The Respondent has also sent a number of informal communications to the Center to express various objections, notably in regard to the Complainant's supplemental filing.

The Panel is of the opinion that it must be in possession of all arguments relevant to the case and finds that each Party has been treated with equality and afforded a fair opportunity to present its case (see: paragraph 10(b) of the Rules). In particular, the Panel finds that the Complainant's supplemental filing is restricted to matters arising in the Response and not to new matters, such that the Panel does not require any further answer from the Respondent.

The Panel takes note of the fact that its duties under paragraph 10(b) of the Rules must be balanced against those under paragraph 10(c) of the Rules, whereby it must ensure that the administrative proceeding take place with due expedition.

The Panel therefore takes into consideration all the arguments on the merits and formal objections that the Parties have presented, including the Complainant's supplemental filing.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant has also established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds that the mark INSTA is recognizable within the disputed domain names <instafollowers.co> and <instatakipci.com>.

Although the addition of other terms, here, "followers" and its Turkish translation "takipci", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the disputed domain names are confusingly similar with the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain names on the grounds that the Respondent is not affiliated with it in any way, that it never authorized the Respondent to use its trademarks as part of the disputed domain names, and that the Respondent does not make any bona fide or legitimate non-commercial fair use of the disputed domain names.

The Respondent sustains that it has rights and legitimate interests in the disputed domain names on the grounds that:

- when it registered the disputed domain names in 2013, the Complainant did not have any trademark registration for INSTA;
- it has continuously used the disputed domain names for 11 years and is therefore known under the same;
- the name INSTA is descriptive and thus free to use; and
- it uses the disputed domain names in relation with a service of selling “likes” and followers on different social media platforms; which are not necessarily associated with the Complainant.

While the Complainant supplied in its supplemental filing extracts from the WHOIS historic records pertaining to the disputed domain names covering the period 2013 to 2016, the Panel found it useful to conduct its own verification of the WHOIS historic public records. See e.g., [WIPO Overview 3.0](#), section 4.8.

The WHOIS public records that the Panel consulted reveal that the disputed domain name <instafollowers.co> was owned by a first registrant (different from the Respondent) between November 2013 and October 2017. It was then owned by another registrant, namely a company called “Insta Followers”. Then, from May 2019, the declared registrant became “Domains by Proxy”, namely the proxy service that the Respondent was using when the Complaint was filed.

The disputed domain name <instatakipici.com> was owned by a first registrant (different from the Respondent) between September 2013 and November 2014. It was then owned by another registrant, namely a company called “Insta Takipci”. Then, from March 2020, the declared registrant is “Domains by Proxy”, namely the proxy service that the Respondent was using when the Complaint was filed.

It transpires from the above history in respect of each of the disputed domain names that the Respondent was not the first registrant of the disputed domain names in 2013 but became the subsequent registrant by acquiring the same at soonest from October 2017 for <instafollowers.co> and November 2014 for <instatakipici.com> (assuming that the Respondent was behind the so-called eponymous companies), or at the latest in 2019 for <instafollowers.co> and 2020 for <instatakipici.com> (dates from when the Proxy Service is used).

It has been shown besides by the Complainant that the Web Archives records do not reflect any use of the disputed domain names before 2014. The earliest archived screen captures that are available on “www.archive.is” date from April 9, 2016 (in the case of <instafollowers.co>) and February 8, 2014 (in the case of <instatakipici.com>) at which dates both of the disputed domain names were used to offer services exclusively in relation to the Complainant.

Hence, the statement of the Respondent that it has registered and used the disputed domain names since 2013 is not supported by the facts, neither has the Respondent presented its own evidence of when the disputed domain names came into its possession, a matter uniquely within its own knowledge, nor has it brought forth any evidence of its previous use of the disputed domain names.

The contentions of the Respondent that at the time when it registered the disputed domain names the Complainant had not registered trademark rights and did not yet benefit from any reputation are not relevant either. The factual elements of the case show on the contrary that the Respondent only became the owner of the disputed domain names at soonest from October 2017 for <instafollowers.co> and November 2014 for <instatakipici.com>, or at the latest in 2019 for <instafollowers.co> and 2020 for <instatakipici.com>. It has been established that at this time, the Complainant had acquired registered trademark rights in the names INSTAGRAM and INSTA. Furthermore, even if it was proven that the Respondent was the first registrant of the disputed domain names in 2013, the Complainant has substantiated its unregistered trademark rights to the Panel's satisfaction as from 2010.

The Panel does not find it useful to debate over the question of whether “insta” is a generic or descriptive term, as the screenshots of the Respondent's web sites reflect that it does not make use of this term in such manner but clearly to refer to the Complainant's trademark.

The catchphrases “Buy Instagram Followers” and “Buy Instagram Likes”, as well as the Complainant's logo (symbolizing a camera) are primarily and repeatedly reproduced on all the pages of the Respondent's web sites.

The Complainant has shown that at the time of submission of the Complaint, neither of the Respondent's web sites contained a disclaimer clarifying the Respondent's non-affiliation with the Complainant. The Respondent's web sites were modified to include such a disclaimer, but only after the Complaint was filed. In any case, this statement of non-affiliation only appears at the very bottom of the web pages and is not immediately perceptible by Internet users.

Finally, prior UDRP panels have held that the provision of services such as those offered by the Respondent does not support a claim of legitimate noncommercial or fair use (see *infra*).

In light of all the above, the Panel finds the second element of the Policy has been established and that the Respondent has not rebutted the Complainant's case that it has no rights or legitimate interests in the disputed domain names.

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.

In the present case, the Panel notes that the Respondent's main argument to claim good faith is that at the time when it registered the disputed domain names (2013), the Complainant's mark was not registered and barely known, that the Complainant has waited 11 years to react, and that the Respondent's business is legitimate.

The Complainant responds that its (unregistered) trademarks were widely used and reputed, on a worldwide level, as early as 2010 and even more from 2012, that the fact that the disputed domain names were possibly registered before the Complainant secured registered trademark rights does not exclude a finding of bad faith, and that the so-called “services” offered by the Respondent are to be regarded as fraudulent.

The Complainant's arguments are supported by earlier relevant UDRP cases.

Instagram, LLC v. Saint Nicholas, WIPO Case No. [D2022-1260](#):

“The Panel notes the continuous extensive use of the INSTAGRAM mark and presence over the Internet since its launch in 2010, as well as the well-known character of this trademark worldwide, being the INSTA mark also its notorious abbreviation, as has been recognized by previous decisions under the Policy.”

Instagram, LLC v. Domain Admin, FBS INC, Whoisprotection.biz / Serkan ARI, WIPO Case No. [D2022-1923](#):

“Although the disputed domain name was registered on May 23, 2016, i.e., approximately one month before the Complainant's earliest INSTA trademark was registered, both the INSTAGRAM and INSTA trademarks were already very well known by that stage.”

Instagram, LLC v. Whois Agent, Domain Protection Services, Inc. / George Henrique, NOGG, WIPO Case No. [D2021-1844](#):

“The disputed domain name was registered [on 17 July 2013] a number of years after the Complainant's first use of its INSTAGRAM and INSTA trademarks, and more than a year after the Complainant's first registration of its INSTAGRAM trademark. It is inconceivable that the Respondent registered the disputed domain name ignorant of the existence of the Complainant's trademarks, given the Complainant's prior use of them, that the disputed domain name consists of the Complainant's INSTA trademark with the mere addition of the letters 'wload', and that the Respondent used the disputed domain name to resolve to a website displaying a logo of the word 'instawload' in a script and style very similar to that of the Complainant's stylized trademark INSTAGRAM. Given the Respondent's lack of rights or legitimate interests in the disputed domain name, and the confusing similarity of the disputed domain name to the Complainant's INSTA and INSTAGRAM trademarks, any use of the disputed domain name by the Respondent almost certainly implies an affiliation with the Complainant that does not exist, and so would be a use in bad faith.”

The Panel, in line with the [WIPO Overview 3.0](#), section 4.17, does not agree with the Respondent that its alleged bona fide use is evidenced by the late reaction of the Complainant:

“Panels have widely recognized that mere delay between the registration of a domain name and the filing of a complaint neither bars a complainant from filing such case, nor from potentially prevailing on the merits. Panels have noted that the UDRP remedy is injunctive rather than compensatory, and that a principal concern is to halt ongoing or avoid future abuse/damage, not to provide equitable relief. Panels have furthermore noted that trademark owners cannot reasonably be expected to permanently monitor for every instance of potential trademark abuse, nor to instantaneously enforce each such instance they may become aware of, particularly when cybersquatters face almost no (financial or practical) barriers to undertaking (multiple) domain name registrations. Panels have therefore declined to specifically adopt concepts such as laches or its equivalent in UDRP cases.”

Besides, as shown in paragraph B) above:

- The Complainant has substantiated its unregistered trademark rights as early as 2010;
- The Respondent was not the original owner of the disputed domain names when the same were registered in 2013;
- The Respondent acquired the disputed domain names later, at the earliest from 2017 for <instafollowers.co> and 2014 for <instatakipici.com>, or at the latest in 2019 for <instafollowers.co> and 2020 for <instatakipici.com>, when the Complainant's trademark was registered and its worldwide reputation was unquestionable; and
- The Respondent's web sites, even if they refer to third-party social media services, do primarily focus on the Complainant.

It transpires from the above that the Respondent was aware of the Complainant's rights in the INSTAGRAM and INSTA trademarks and acquired the disputed domain names in bad faith, in order to unduly benefit from the reputation and goodwill associated with the Complainant's marks.

The disputed domain names are being used in relation to a service of commercializing “likes” and followers on various social media platforms, including the Complainant's social media platform Instagram. The Respondent claims that this is a legitimate business, that is not detrimental to the Complainant, and that there exists no risk of confusion or association with the latter.

The Complainant claims that the Respondent uses the disputed domain names to exploit the goodwill and reputation attached to its trademarks for commercial gain by attracting Internet users to its web sites and offering them illegitimate services that damage the functionality and intended operation of the Complainant's Instagram platform, as well as by creating a false impression of association with the Complainant. It further contends that the offering for sale of similar services for use on third-party platforms has the detrimental effect of disrupting its business by driving Internet users to competitors' platforms.

The Panel aligns with prior UDRP panels that found use in bad faith in similar circumstances.

See also, *Instagram, LLC v. Privacy Protect, LLC (PrivacyProtect.org) / Elnur Alizade*, WIPO Case No. [D2021-1845](#):

“The Complainant has provided evidence that the disputed domain name was used to resolve to a website that purported to offer a software application that runs automated tasks over the Internet to artificially increase the number of Instagram “followers”, ‘likes’, ‘views’, and ‘comments’. Such an application is in contravention of the Complainant's Terms of Use, and may involve creating false accounts or hacking into existing accounts. Given the confusing similarity of the disputed domain name to the Complainant's trademark and the absence of any relationship between the Respondent and the Complainant, such a use of the disputed domain name is neither a *bona fide* use nor a legitimate noncommercial or fair use of the disputed domain name.”

Instagram, LLC v. Whois privacy protection service / Olga Sergeeva / Ivan Ivanov / Privacy Protect, LLC (Privacy Protect.org), WIPO Case No. [D2020-0521](#):

“[...] The Respondent denies that it has used or created fake Instagram accounts or hacked any existing Instagram accounts, and asserts that it uses ‘only white methods’ of promotion and that the accounts of its users get only real traffic as a result of which they get followers, likes and views. According to the Respondent, it advertises the accounts of its users through its promotion system in fully legitimate methods and does not violate any laws or rules of the Complainant.

The Panel is not convinced by the arguments of the Respondent, which are not supported by any evidence or explanation how its users would receive large numbers of genuine ‘followers’, ‘likes’, ‘views’ and ‘comments’ in such short periods of time legitimately.”

The Panel takes note that previous panels under the Policy have held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel finds 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 <instafollowers.co> and <instatakipci.com> be transferred to the Complainant.

/William Lobelson/

William Lobelson

Presiding Panelist

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Panelist

/Michael A. Albert/

Michael A. Albert

Panelist

Date: March 18, 2025