

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Jordan geroge
Case No. D2025-0163

1. The Parties

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

The Respondent is Jordan geroge, India.

2. The Domain Name and Registrar

The disputed domain name <buyrealgramviews.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 15, 2025. On January 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and its contact details.

The Center verified that the 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 January 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 7, 2025.

The Center appointed Catherine Slater as the sole panelist in this matter on February 13, 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 U.S. based company that operates a well-known social media platform under the trademark INSTAGRAM that specialises in online photo and video sharing. The Complainant's INSTAGRAM platform was launched in 2010 and now has more than 2 billion monthly active accounts. Its INSTAGRAM app is currently the eighth most downloaded app for iOS phones worldwide.

The Complainant is the owner of numerous trademark registrations including:

- International Registration 1129314 for INSTAGRAM (word mark), registered on March 15, 2012;
- European Union Trademark 015868797 for GRAM (word mark), registered on January 12, 2017; and
- European Union Trademark 016039828 for a device mark (a graphic representation of an instant camera shown in a rainbow colour-scheme), registered on May 3, 2017.

The latter registration is hereinafter referred to as the "Complainant's logo mark".

The disputed domain name was registered on January 31, 2018.

At the time of filing of the Complaint, the disputed domain name resolved to a website (the "Respondent's Website") at the top of which appears the title "BuyRealGramViews". That wording is displayed in a font that is reminiscent of that used by the Complainant for its INSTAGRAM trademark. That wording appears next to a "circle logo", both of which are shown in a rainbow-like colour-scheme which brings to mind the colour-scheme used in the Complainant's logo mark.

The Respondent's Website offered various fee-levels for views on the Complainant's Instagram platform ranging from, for example, USD 0.95 for 500+ story views to USD 32.35 for 20,000+ story views. There is a similar fee structure offered for video views and reel views. The website states that the story views are "authentic" and "organic".

At the date of this Decision, the disputed domain name did not resolve to any active website.

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 name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's GRAM trademark because it comprises that trademark and the addition of the terms "buy", "real", and "views" does not prevent a finding of confusing similarity because the trademark remains recognizable. The Complainant also contends that the disputed domain name is confusingly similar to its INSTAGRAM trademark since "gram" is a well-known abbreviation of "Instagram".

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It says that that the Respondent is not using the disputed domain name in connection with any bona fide offering of goods/services and in this regard is not a licensee, is not affiliated with the Complainant in any way, has not been authorised to use the INSTAGRAM or GRAM trademarks, is using the INSTAGRAM and GRAM trademarks to market its own services in relation to the Complainant's INSTAGRAM platform and that those services violate the Complainant's terms of use and developer policies. The Complainant contends that there is no evidence that the Respondent is commonly known by the

disputed domain name. The Complainant contends that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name because it is attempting to create a false impression of association with the Complainant and is benefitting commercially (selling services) that exploit the goodwill attached to the Complainant's trademarks by attracting Internet users to their website and offering "illegitimate" services that damage the functionality and intended operation of the INSTAGRAM platform.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. In this regard, it says that due to the reputation of the Complainant's INSTAGRAM trademark (and its well-known abbreviation GRAM) the Respondent must have been aware of the Complainant and its INSTAGRAM and GRAM trademarks at the time of registration and the Respondent's intention to target the Complainant may be inferred from the content of the Respondent's Website. The Complainant contends that the Respondent has used the disputed domain name in bad faith because it exploits the goodwill and reputation attached to the Complainant's trademarks for commercial gain by attracting Internet users to its website and offering them illegitimate services that damage the functionality and intended operation of the INSTAGRAM platform, as well as by creating a false impression of association with the Complainant.

B. Respondent

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

6. Discussion and Findings

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 entirety of the GRAM mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "buy", "real" and "views", 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.

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 name. 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 name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

It is inconceivable that, at the time of registration of the disputed domain name, the Respondent was unaware of the Complainant and its trademarks. The knowledge of the Respondent is demonstrated by the fact that after registration, the Respondent pointed the disputed domain name to a website that offered services ancillary to the Complainant's INSTAGRAM platform. In short, the Respondent targeted the Complainant and did so without any bona fide intent since the purpose of the registration was to use the disputed domain name in a manner which, as discussed below, amounts to "bad faith use".

The Panel therefore finds that the disputed domain name was registered in bad faith.

Paragraph 4(b)(iv) of the Policy sets out an example circumstance that amounts to use in bad faith as follows:

"by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

In *Instagram, LLC v. Privacy Protect, LLC (PrivacyProtect.org) / Elnur Alizade*, WIPO Case No. [D2021-1845](#) (<insta-shark.com>) the Panel found as follows:

"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 trademark, 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. Furthermore, as the disputed domain name resolved to a website which, for a fee, purported to artificially increase the number of Instagram "followers", "likes", "views", and "comments", the Respondent has used the disputed domain name to attract, for commercial gain, Internet users to a website by creating confusion in the minds of the public as to an association between the website and the Complainant."

The Respondent's conduct in this dispute is essentially the same as in the above case (save obviously, that the Respondent has here used the Complainant's GRAM trademark) and the Panel agrees with the finding in that case and therefore that the Respondent is here using the disputed domain name in bad faith. The current non-use of the disputed domain name would not prevent a finding of bad faith under the doctrine of passive holding.

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 name <buyrealgramviews.com> be transferred to the Complainant.

/Catherine Slater/

Catherine Slater

Sole Panelist

Date: February 27, 2025