

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Chelsea Rocha, Alyssa Wiggins  
Case No. D2025-0176

### **1. The Parties**

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

The First Respondent is Chelsea Rocha, Lao People's Democratic Republic.

The Second Respondent is Alyssa Wiggins, Chile.

### **2. The Domain Names and Registrar**

The disputed domain names <glassagrem.com> and <glassagrm.com> are registered with Nicenic International Group Co., Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 16, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 17, 2025, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 20, 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 January 28, 2025, which requested the addition of the disputed domain name <glassagrem.com>.

On January 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <glassagrem.com>. On January 17, 2025, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 29, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints 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 a second amended Complaint on February 3, 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 February 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2025. The Response was filed with the Center on February 24, 2025.

The Center appointed John Swinson as the sole panelist in this matter on March 4, 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.

The Complainant filed a Supplemental Filing on March 7, 2025

#### **4. Factual Background**

The Complainant is a well-known United States social media company. The Complaint provides a service known as “Instagram”, which some people affectionally call “Insta”.

The Complainant owns a portfolio of trademark registrations, including:

- United States trademark registration No. 4146057 for INSTAGRAM, registered on May 22, 2012, claiming first use in commerce on October 6, 2010; and
- European Union trademark registration No. 015868797 for GRAM, registered on January 12, 2017.

The disputed domain names were registered on the following dates:

- <glassagrem.com> on August 15, 2024; and
- <glassagrm.com> on October 7, 2024.

Details of the Respondents are unclear. According to Registrar records, the named Respondents are individuals who have addresses in Lao People’s Democratic Republic and Chile, but (as discussed below), these addresses are false. The Response filed on behalf of the Respondents “acknowledges the administrative discrepancy in the domain registration details” but does not provide any further details concerning the Respondents.

The websites at the disputed domain names are similar. The disputed domain name <glassagrem.com> resolves to a website titled “Glassagrem” and states “Glassagrem is your go-to online story viewer. Whether you’re curious about a public or private profile, want to explore fresh stories, or dive into intriguing highlights, Glassagrem lets you do it all anonymously and without an account. View social media content hassle-free!” and “We offer anonymous social media viewer options of prime quality. Glassagrem is a new digital market product. We know exactly that the service usage will lead to prominent results. You’ll get full access to any social media account and monitor everything you need. The service is safe and secure. We provide you with the best social media story viewer options.”

This website allows users to sign up to subscriptions to use the Glassagrem service. The subscriptions are paid subscriptions.

In creating an account to use the Glassagrem services, users must agree to “Terms of Service” under the laws of Connecticut, United States (at <glassagrem.com/terms.html>) but the Terms of Service do not identify any legal entity as the party providing the service. The Terms of Service state: “The Service is operated and owned by Glassagrem.” The Terms of Service link to a privacy policy that also does not identify any legal entity. This website also does not appear to include a physical address or contact details (other than an email address) for the operator of this website. An “about” page states: “Founded in 2017, Glassagrem offers a modern and convenient solution for those who want or need to see a person’s reels and stories on social media. Stay anonymous and enjoy a set of monitoring perks that will give you brand-new monitoring abilities.”

The website states: “The site is a fan page. Glassagrem.com is not connected with Instagram. All content belongs to the content authors. Download is available for informational purposes only.”

The description meta-tag for the “glassagrem.com” website is “Instagram attracts its users with an enjoyable social media world. Everyone can find the proper content to follow. And the Glassagrem viewer can show you the platform from the inside. Try now!”

The disputed domain name <glassagrm.com> resolves to a website titled “Glassagrm” and states “Anonymous Instagram Viewer. Have you ever wanted to view an Insta page without the owner knowing? Glassagrm makes it possible. View Instagram activity anonymously and without installation.”

The websites at the disputed domains are very similar in content, structure and style. In many instances, the text of a particular webpage is the same for both websites, with the only difference being the terms “Glassagrem” and “Glassagrm”.

The Complainant was successful in a prior dispute under the Policy, being *Instagram, LLC v. Devid Grey, Cyryl grabowski, Vladislav Sakharchuk*, WIPO Case No. [D2024-3183](#). That case involved a website with “anonymous social media viewer options” in respect of the Complainant’s Instagram service.

## **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 after the decision in *Instagram, LLC v. Devid Grey, Cyryl grabowski, Vladislav Sakharchuk*, WIPO Case No. [D2024-3183](#), the Complainant became aware that the Respondent had migrated its services over to the disputed domain name, setting up a substantially similar website to that which previously appeared at the domain name <glassagram.com>.

The Complainant submits that dominant elements of its GRAM trademark are recognizable in the disputed domain names such that the disputed domain names are confusingly similar to the Complainant’s GRAM mark. The Complainant further submits that the disputed domain names bear similarity to the Complainant’s INSTAGRAM trademark.

The Complainant further submits that in the present case the contents of the Respondent’s websites, which offer paid subscriptions for the use of tools to anonymously view and download content from Instagram, are relevant for purposes of comparison under the first element and show that the Respondent sought to target the Complainant’s marks through the disputed domain names.

The Respondent’s websites purport to offer paid subscriptions for the use of tools for anonymously viewing content from Instagram without the need for an Instagram account, as well as for downloading content from Instagram.

The facts support an inference that the Respondent is not using the disputed domain names in connection with a genuine business offering, but rather in an attempt to promote a fictitious business, making unauthorized use of the Complainant's GRAM mark as part of the disputed domain names and INSTAGRAM mark on the Respondent's websites in the furtherance of a fraudulent scheme aimed at inducing Internet users into making payment for services that the Respondent has no means or intention of providing.

## **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.

In summary, the Respondent contends that the disputed domain names are sufficiently distinct from the Complainant's registered marks "Instagram" and "Gram" in visual presentation, phonetic impression, and commercial association. The Respondent argues that a domain name must typically contain the entirety of a trademark or a dominant feature to be considered confusingly similar.

In relation to the second element of the Policy, the Respondent submits that its service is primarily dedicated to parental monitoring and digital safety, providing tools that enable parents to fulfill their legal and ethical obligations to protect minors online. This use is consistent with established legal frameworks protecting parental rights, including the United Nations Convention on the Rights of the Child (particularly Articles 5 and 18) and various national legislative frameworks concerning online child protection. According to the Respondent, its service addresses a significant public interest need that the Complainant's platform does not adequately fulfill through its native functionality, thereby constituting legitimate fair use under UDRP paragraph 4(c)(iii).

In relation to the third element of the Policy, the Respondent submits the disclaimers on its websites avoid any consumer confusion.

The Respondent also asserts that technical or administrative discrepancies in registration information, absent other indicia of bad faith, do not constitute sufficient grounds for domain transfer. Finally, the Respondent claims that the UDRP process is specifically designed to adjudicate instances of abusive domain registrations, not to function as an enforcement mechanism for platform terms of service or API usage policies.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark 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 is being used in bad faith.

The onus of proving these elements is on the Complainant.

Each disputed domain name must be considered separately.

### **Consolidation: 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 Response was filed by “Legal Department” from an email address at one of the disputed domain names, apparently on behalf of both named Respondents. The Response states: “We represent the registrant of the domain names <glassagrem.com> and <glassagrm.com> in the matter referenced above.” In effect, the Response confirms that both the disputed domain names are owned by the same (unknown) entity.

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.

As regards common control, the Panel notes that (i) both disputed domain names resolve to highly similar websites that offer paid subscriptions for the use of an anonymous Instagram viewing service, (ii) the disputed domain names follow a similar naming pattern (consisting of “glassa” as their leading element, followed by the letters “grm” or “grem”), (iii) both disputed domain names appear to have been registered using false addresses (which is admitted in the Response but characterized as an “administrative discrepancy”), and (iv) both disputed domain names are registered with the same Registrar.

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.

### **Supplemental Filing**

The Rules do not provide for additional filings other than at the Panel’s request, and unsolicited supplemental filings are generally discouraged but may be considered at the Panel’s discretion. [WIPO Overview 3.0](#), section 4.6.

The Complainant filed a Supplemental Filing dated March 7, 2025.

The Complainant’s Supplemental Filing seeks to address: a falsified citation; the allegation that the Respondent’s tool is meant to be a parental monitoring product; and rebut the Respondent’s claims regarding the scope of the UDRP being limited and excluding being used to address “platform terms of service or API usage policies.”

The Panel considers that the Complainant’s Supplemental Filing, adds no new material evidence, and the relevant issues are already before the Panel. The Panel notes that the inaccurate citation was noted independently and addressed below prior to the filing of the Complainant’s Supplemental Filing. The rest of the arguments within the Complainant’s Supplemental Filing were in the Panel’s opinion either a clarification or simply a rebuttal of the Response.

This was received by the Panel after the Panel had reviewed the Parties’ initial submissions, and started drafting the decision in this case but prior to communicating the decision to the Parties. In view of the decision reached by the Panel without having the benefit of the Complainant’s Supplemental Filing, the

Panel has not considered the Supplemental Filing, and the Supplemental Filing would not have changed the outcome. This creates no unfairness to either party.

### **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 relevant mark in the present case is GRAM.

The Panel must consider whether GRAM is recognizable within the disputed domain names. Upon a careful review, for the reasons discussed below, the Panel finds that the GRAM mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the GRAM mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel reached this conclusion after considering the findings in *Instagram, LLC v. David Grey, Cyryl grabowski, Vladislav Sakharuk*, WIPO Case No. [D2024-3183](#) (<glassagram.com>).

The Respondent cited a prior case that the Panel could not find. It appears that the Respondent's citation is a "hallucination" probably produced because of using Artificial Intelligence tools. The fact that the Respondent does not appear to have verified the accuracy of such citation also casts doubt on the veracity of other statements in the Response.

It is well established that the content of the Respondent's website is normally disregarded when assessing confusing similarity under the first element of the Policy. The test is to be conducted by way of a side-by-side comparison of the Complainant's trademark and the disputed domain name. *Harry Winston Inc. and Harry Winston S.A. v. Jennifer Katherman*, WIPO Case No. [D2008-1267](#).

However, in certain circumstances, it is permissible for the Panel to consider the website at the disputed domain name to gain an indication of the Respondent's intention with the disputed domain name. See *Zippo Manufacturing Company v. Domains by Proxy, LLC and Paul Campanella*, WIPO Case No. [D2014-0995](#), cited with approval in *VF Corporation v. Vogt Debra*, WIPO Case No. [D2016-2650](#); and *Gravity Co., LTD. and Gravity Interactive, Inc. v. Domain Privacy Service FBO Registrant / Junior Silva*, WIPO Case No. [D2021-2648](#); *Fenix International Limited v. Nemanja Krecelj / Nemanja Krecelj, Rocket Science Group*, WIPO Case No. [D2021-2667](#); and *Fenix International Limited v. Domain Admin, Privacy Protect, LLC / yossri ben salah, to leaks*, WIPO Case No. [D2022-0872](#).

In the present case, the Panel reviewed the websites at the disputed domain names and can draw the conclusion that the content of the websites, as well as the websites' metatags and the disclaimer on the websites, confirm confusing similarity since it appears prima facie that the Respondent sought to target the INSTAGRAM and GRAM trademarks through the disputed domain names. In the Panel's view, the terms "grem" and "agrm" in the disputed domain names are clearly references to the Complainant's trademarks GRAM and INSTAGRAM. See [WIPO Overview 3.0](#), section 1.15.

In the circumstances, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's GRAM trademark, and the Complainant's INSTAGRAM trademark.

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.

The Respondent attempts to rebut the Complainant’s prima facie showing by relying on paragraph 4(c)(iii) and states: “The service addresses a significant public interest need that the Complainant’s platform does not adequately fulfil through its native functionality, thereby constituting legitimate fair use under UDRP paragraph 4(c)(iii).”

Paragraph 4(c)(iii) does not apply here. The Respondent offers paid subscriptions to its service. For the reasons set out below in respect of bad faith, the Respondent’s use is not fair use.

The Respondent also states that criticism and commentary can constitute legitimate use under appropriate circumstances. However, the Respondent’s service and websites are not in any way criticism or commentary. Even if the Panel considers the statement within the disclaimer that claims to be a “fan site”, in view of the nature of the websites and the Respondent’s service, the Panel finds that the websites at the disputed domain names cannot be qualified as fan sites.

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

## **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and subsequently used the disputed domain name in bad faith.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Panel finds that the Respondent most likely is the same entity that was the unsuccessful party in the prior case of *Instagram, LLC v. David Grey, Cyril grabowski, Vladislav Sakharchuk*, WIPO Case No. [D2024-3183](#).

The disputed domain names were registered after the Complainant registered its trademarks for INSTAGRAM and GRAM, and in respect of one disputed domain name, after the decision in the case cited immediately above.

The disputed domain names are used for websites in connection to a service that relates to the Complainant's INSTAGRAM social media service. The Respondent refers to the Complainant on its websites and in metatags on its websites, and so is clearly aware of the Complainant. These references and metatags were likely introduced by the Respondent in an attempt to attract users looking to access the Complainant's service. The Panel considers that the presence of the disclaimer does not overcome the use of these references to the Complainant on the websites and in metatags to attract users. While the disclaimer identifies the websites as a "fan site", as discussed under the second element, the use does not match one of a "fan site". The Panel finds that the Respondent's likely intention was to take an unfair advantage of the Complainant's trademark, introducing references to the Complainant's trademarks and metatags on the Respondent's websites to attract users for commercial gain. Such conduct leads the Panel to a conclusion in the circumstances of this case that the registration and use of the disputed domain names was in bad faith under the Policy.

The Complainant asserts that the Respondent is involved in an illegitimate scheme, and notes that the Complainant is aware of Internet users having complained that the services offered via the website to which the domain name <glassagram.com> (subject of the prior case referred to above) previously resolved were not delivered, despite payment of a subscription fee. The Complainant infers that the Respondent is likely using the disputed domain names as part of an illegitimate scheme aimed at extracting payment from unsuspecting Internet users for services that the Respondent has no intention or means of providing. The Respondent did not respond to this allegation.

Moreover, the Respondent is using privacy services, false Registrant details, and not identifying itself on its websites. The Respondent claims that the false Registrant details were an administrative error. However, considering the prior decision plausibly involving the Respondent, and the fact that the Respondent's website also hide the true operator of the websites, the Panel concludes that the Respondent's use of false Registrant details was likely intentional and not an error. This is further evidence affirming the Panel's finding of bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

In reaching this conclusion, the Panel has considered the Respondent's conduct regarding the registration and use of the disputed domain names under the Policy, but the Panel makes no findings as to whether the Respondent has breached any of the Complainant's customer terms or policies. The present decision focuses on, and is limited to issues arising under, 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 <glassagrem.com> and <glassagrm.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: March 13, 2025