

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Akif Cirak, Getto APP
Case No. D2025-0222

1. The Parties

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

The Respondent is Akif Cirak, Getto APP, Türkiye.

2. The Domain Names and Registrar

The disputed domain names <snapinstagram.com> and <ssinsta.app> are registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 21, 2025. On January 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 23, 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 (Whatissfind) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 23, 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 27, 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 January 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2025. The Respondent sent email communications to the Center on January 30, 2025, and January 31, 2025. Accordingly, the Center notified Commencement of Panel Appointment Process on February 19, 2025.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on February 25, 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 world-renowned online photo and video sharing social network application launched in 2010. The Complainant's application is ranked amongst the top applications for mobile devices in the main operating systems. The Complainant owns several trademark registrations around the world, including:

Trademark	Registration No.	Jurisdiction	Date of Registration	Class
INSTA	86638028	United States.	October 18, 2016.	Class 9.
INSTA	014810535	European Union.	May 23, 2018.	Class 9.
INSTAGRAM	1129314	International trademark (designating also Türkiye).	March 15, 2012.	Class 9 and Class 42.
INSTAGRAM	85426267	United States.	May 22, 2012.	Class 9.
INSTAGRAM	2012 85440	Türkiye.	April 28, 2015.	Class 9 and Class 42.
INSTAGRAM	014493886	European Union.	December 24, 2015.	Class 25, Class 35, Class 38, Class 41, and Class 45.
	016039828	European Union.	May 3, 2017.	Class 9, Class 25, Class 35, Class 38, Class 41, Class 42, and Class 45.
	6085946	United States.	June 23, 2020.	Class 41.

The Complainant owns the domain names <instagram.com>, <instagram.net>, <instagram.ae>, <instagram.co>, <instagram.biz>, <instagram.xyz>, <instagram.org>, <instagram.eu>, <instagram.ca>, and <instagram.fr>.

The disputed domain name <snapinstagram.com> was registered on May 27, 2023, and it currently resolves to a website entitled "Instagram Downloader Free" with the purpose of providing a tool for the unauthorized downloading of content from the Complainant's Instagram platform, alongside a graphic tutorial. On the other hand, the disputed domain name <ssinsta.app> was registered on May 15, 2023, and resolved to a webpage entitled "Download Videos & Photos From Instagram" but does not resolve to an active website at the time of writing of this decision.

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 the following:

I. Identical or Confusingly Similar

That the Complainant owns several trademark registrations for the Complainant's INSTAGRAM and INSTA trademarks (the INSTA trademarks) (and cites WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.)

That the disputed domain names <snapinstagram.com> and <ssinsta.app> comprise the Complainant's INSTA trademarks preceded by the term "snap" and by the letters "ss", respectively, under the generic Top-Level Domains ("gTLD") ".com" and ".app".

That the presence of the Complainant's INSTA trademarks in the disputed domain names is sufficient to establish confusing similarity between the disputed domain names and the Complainant's INSTA trademarks (and cites [WIPO Overview 3.0](#) section 1.7.)

That the addition of the term "snap" and the letters "ss" to the reproduction of the Complainant's INSTA trademarks within the disputed domain name does not prevent a finding of confusing similarity between the Complainant's INSTA trademarks and the disputed domain names (and cites *Instagram, LLC v. Faheem Lashari*, WIPO Case No. [D2024-2912](#); *Instagram, LLC v. Huzaifa Dhapai*, WIPO Case No. [D2023-1448](#); and [WIPO Overview 3.0](#) section 1.8.)

That the relevant gTLDs may be disregarded for the purposes of assessing confusing similarity, because they are a standard requirement of registration of the disputed domain names (and cites [WIPO Overview 3.0](#) section 1.11.1.)

II. Rights or Legitimate Interests

That the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services.

That the Respondent is not a licensee of the Complainant, or is in any way affiliated with the latter, and that the Complainant has not granted any authorization for the Respondent to use the Complainant's INSTA trademarks in connection with the disputed domain names or otherwise.

That the websites to which the disputed domain names resolve purportedly provide tools for downloading content from the Complainant's Instagram platform. That the disputed domain name <ssinsta.app> offers an unauthorized application versioning the Complainant's Instagram application with some features that are not authorized or offered by the Complainant.

That prior UDRP panels have found that service providers using a domain name containing a third-party trademark may be making a bona fide offering of goods or services and thus may have a legitimate interest in the disputed domain name assessing the following four factors (1) the respondent must actually offer goods or services, (2) the respondent must use the site to which the disputed domain name resolves to sell only trademarked goods or services, (3) the website to which the disputed domain name resolves must accurately and prominently disclose the relationship between the respondent and the complainant and (4) the respondent must not try to corner the market in domain names that reflect the trademark (and cites *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and [WIPO Overview 3.0](#) section 2.8.).

That the Respondent is unable to be viewed as a bona fide service provider because it does not provide sales or repairs in relation to a product provided by the Complainant, but is rather carrying out an unauthorized use of the Complainant's INSTA trademarks to market its own services.

That the Respondent provision of an unauthorized application versioning the Complainant's Instagram application does not comply with the criteria set forth in *Oki Data Americas, Inc. v. ASD, Inc.*, *supra*, because (1) the Respondent is not a bona fide service provider since its services provide unauthorized tools to be used with the Complainant's Instagram platform, (2) the mobile application offered in the disputed domain name <ssinsta.app> purports to provide a tool to download content from third parties and is also using the website to which the disputed domain name <ssinsta.app> resolves for displaying commercial banners of advertisers, and (3) the websites to which the disputed domain names resolve do not disclose the lack of a relationship between the Respondent and the Complainant but rather, said websites create a misleading impression of an affiliation with or approval by the Complainant.

That the provision of the services purportedly rendered through the websites to which the disputed domain names resolve violate the Complainant's Meta Developer Policies and Instagram Terms of Use, especially by interfering with the Complainant's Instagram service, and that the unauthorized access and collection of content may put the Complainant's users at risk (and cites *Instagram, LLC v. Contact Privacy Inc. Customer 0152196674 / Stefano Scerra*, WIPO Case No. [D2021-1883](#) and *Meta Platforms, Inc. v. Muhammad Shahbaz*, WIPO Case No. [D2024-0288](#).)

That the Respondent's purported offering of an unauthorized application versioning the Complainant's Instagram applications been found by previous UDRP panels to be a bad faith offering of goods or services (and cites *Instagram, LLC v. GB Apps, Apps.Pk*, WIPO Case No. [D2024-2405](#) and *Meta Platforms, Inc. v. Vladimir Shubert*, WIPO Case No. [D2024-3370](#).)

That the Respondent is not commonly known by the disputed domain names, neither under the Respondent's name, nor under the Respondent's organization name. That there is no evidence of the Respondent acquiring or applying for a trademark registration for "INSTAGRAM" or "INSTA" or any variation thereof as reflected in the disputed domain names.

That the Respondent's use of the disputed domain name does not support any reasonable claim of being commonly known as the disputed domain names.

That the Respondent is not making any legitimate noncommercial use of the disputed domain names.

That the Respondent's provision of tools that violate the Complainant's Meta Developer Policies and Instagram Terms of Use does not confer rights or legitimate interests in the disputed domain name for the purposes of the Policy (and cites *Instagram, LLC v. Private Whols, Global Domain Privacy Services Inc / Aleksandr Lyahevich, Private Person*, WIPO Case No. [D2021-0463](#).)

That given the Respondent's use of the Complainant's INSTA trademarks in the websites to which the disputed domain name <ssinsta.app> resolves creates a false impression of association with the Complainant which does not constitute a legitimate noncommercial or fair use of the disputed domain names (and cites *Facebook, Inc. v. Batyi Bela, Whois privacy services, provided by Domain Protect*, WIPO Case No. [D2020-2683](#); and *Instagram, LLC v. Private Whols, Global Domain Privacy Services Inc / Aleksandr Lyahevich, Private Person*, *supra*.)

That the website to which the disputed domain name <ssinsta.app> resolved contained commercial advertising banners from which the Respondent derived commercial gain, which cannot be deemed as a legitimate noncommercial or fair use (and cites *Instagram, LLC v. Domains By Proxy, LLC / Ahmed Hemaïd*, WIPO Case No. [D2021-1439](#).)

That the Complainant has established a prima face case demonstrating that the Respondent lacks rights or legitimate interests in the disputed domain names.

III. Registered and Used in Bad Faith

That the disputed domain names were registered and are being used in bad faith for reasons that go beyond the scope of the Policy (and cites [WIPO Overview 3.0](#) section 3.2.)

That the Complainant's INSTA trademarks are inherently distinctive and well known throughout the world, continuously and extensively used before the registration of the disputed domain names (and cites *Instagram, LLC v. Omer Ulku*, WIPO Case No. [D2018-1700](#).)

That the Respondent's intent to target the Complainant may be inferred by the contents of the website to which the disputed domain names resolved to, that made explicit reference to the Complainant's INSTA trademarks (and cites *Instagram, LLC v. Abdunnur Rustem, Global Taekwondo Federation*, WIPO Case No. [D2018-2037](#).)

That the Respondent has not displayed a bona fide relation with them, rather, that the Respondent offered tools for the unauthorized downloading of content from the Complainant's Instagram platform which violates the Complainant's Meta Developer Policies and the Instagram Terms of Use.

That the Respondent is using the disputed domain names to provide tools to download content from the Complainant's Instagram platform, which conduct goes beyond the technical limits set for the platform by the Complainant and violates the Complainant's Meta Developer Policies and Instagram Terms of Use.

That previous UDRP panels have found that the unauthorized automated accessing and downloading of content from social networks amounts to bad faith (and cites *Instagram, LLC v. Contact Privacy Inc. Customer 1247361676 / G.JC*, WIPO Case No. [D2021-1675](#).)

That the Respondent's use of the disputed domain name <ssinsta.app> to offer an unauthorized application versioning the Complainant's application which violates the Complainant's Meta Developer Policies and Instagram Terms of Use also puts the Complainant's users at risk, disrupts the Complainant's business amounting to bad faith (and cites *WhatsApp, LLC v. Adila Ayaz, Freelance*, WIPO Case No. [D2024-2999](#) and *WhatsApp, LLC. v. Malika BZDRR*, WIPO Case No. [D2023-4808](#).)

That the Respondent's use of the Complainant's INSTA trademarks on the website to which the disputed domain name <ssinsta.app> resolved is a clear sign that the Respondent has sought to target the Complainant's INSTA trademarks to create an impression of association with the Complainant (and cites *Instagram, LLC v. Domain Administrator, Registrant of aloinstagram.com et al.*, WIPO Case No. [D2021-2127](#) and *Meta Platforms, Inc., Instagram, LLC v. Registration Private, Domains By Proxy, LLC et al.*, WIPO Case No. [D2022-2184](#)).

That the Complainant infers that the feature of commercial advertising banners on the website to which the disputed domain name <ssinsta.app> resolved, derived click-through revenue for the Respondent, using the disputed domain names to intentionally attract for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's INSTA trademarks.

That the lack of a disclaimer on the websites to which the disputed domain names resolved for the clarification of a lack of relationship between the Complainant and the Respondent adds to the confusion caused by the disputed domain names and constitutes evidence of the Respondent's bad faith, and that even such disclaimer would not have been sufficient to cure the Respondent's illegitimate use of the disputed domain names (and cites *Instagram, LLC v. Protection of Private Person / Yurii Shemetilo / Olha Shostak*, WIPO Case No. [D2022-2832](#) and [WIPO Overview 3.0](#) section 3.7.)

That the Respondent's failure to respond to the Complainant's contact notices is an additional indication of bad faith (and cites *Volkswagen AG v. Privacy Protection Services*, WIPO Case No. [D2012-2066](#).)

B. Respondent

Even though the Respondent sent email communications to the Center on January 30 and January 31, 2025, mainly asking for “\$500 in return for the domains” to the Complainant, these communications do not constitute a formal response to the Complaint.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to successfully request remedies:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in connection to the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Given the Respondent’s default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant’s undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also [WIPO Overview 3.0](#), section 4.3).

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 3.0](#), section 1.7.

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

The disputed domain names entirely reproduce the Complainant’s INSTA trademarks. The Panel finds that the Complainant’s INSTA trademarks are recognizable within the disputed domain names. [WIPO Overview 3.0](#), section 1.7. It is also well established that the addition of gTLDs “.com” and “.app” are viewed as a standard registration requirement and as such are typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the Complainant’s INSTA trademarks 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.

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. Specifically, the Respondent has failed to submit evidence of bona fide or legitimate noncommercial or fair use of the disputed domain names. Instead, the websites to which the disputed domain names resolve (and resolved to, respectively) offer tools to download content from the Complainant's Instagram platform and also make available an application capable of offering functions not supported by the Complainant's official Instagram platform. Also, the website to which the disputed domain name <ssinsta.app> resolved included advertising spaces which compound the risk of affiliation with the Complainant.

The Complainant has asserted that there is no relationship or affiliation between the Complainant and the Respondent, and that it has not granted any authorization to the Respondent to use its INSTA trademarks in connection with the disputed domain names. No evidence was submitted either in connection with the Respondent being commonly known by the disputed domain names.

Furthermore, the Panel considers that the composition of the disputed domain names carry a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Therefore, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Complainant has ascertained its rights over its INSTA trademarks. The dates of registration of said trademarks significantly precede the date of registration of the disputed domain name. Additionally, the Panel agrees with decisions rendered by previous panels in the sense that the INSTA trademarks are well-known (see *Instagram, LLC v. Omer Ulku*, *supra*). Previous panels appointed under the Policy have found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can in itself create a presumption of bad faith. [WIPO Overview 3.0](#), Section 3.1.4. This is so in the present case because the Complainant's INSTA trademarks are well-known and extensively used worldwide. Additionally, the Complainant has registered and used its INSTA trademarks in Türkiye, where the Respondent supposedly resides.

The fact that the Respondent registered the disputed domain names which entirely reproduce the Complainant's famous INSTA trademarks, shows that the Respondent has targeted the Complainant and its trademarks, which constitutes opportunistic bad faith (see section 3.2.1 of the [WIPO Overview 3.0](#); see also *L'Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#); *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#); and *Nutricia International BV v. Eric Starling*, WIPO Case No. [D2015-0773](#)).

The evidence submitted by the Complainant shows that the Respondent has intentionally used the disputed domain names to attract, for commercial gain, Internet users to the websites to which they resolve, being that said websites allegedly offer tools that enable the download of content from the Complainant's Instagram platform as well as other non-official functions. This conduct creates the impression among Internet users that said website is related to, associated with, or endorsed by the Complainant, which conduct constitutes

bad faith under paragraph 4(b)(iv) of the Policy (see section 3.1.4 of the [WIPO Overview 3.0](#); see also *trivago GmbH v. Whois Agent, Whois Privacy Protection Service, Inc. / Alberto Lopez Fernandez, Alberto Lopez*, WIPO Case No. [D2014-0365](#); and *Jupiter Investment Management Group Limited v. N/A, Robert Johnson*, WIPO Case No. [D2010-0260](#)).

Having reviewed the record, the Panel finds the current non-use of the disputed domain name <ssinsta.app> does not prevent a finding of bad faith under the circumstances of this proceeding.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <snapinstagram.com> and <ssinsta.app> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: March 11, 2025