

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Fahad Nawaz, ZeeTv
Case No. D2025-0362

1. The Parties

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

The Respondent is Fahad Nawaz, ZeeTv, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <sssinstagram.pro> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 29, 2025. On January 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 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 February 5, 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 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 28, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on March 5, 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 Instagram LLC, a United States company providing an online photo and video sharing social networking application named Instagram, launched in 2010, and rapidly acquiring considerable goodwill and renown worldwide. Instagram has today more than 2.4 billion monthly active accounts worldwide. Instagram has consistently ranked among the top applications for mobile devices and is currently the fourth most downloaded application for iOS phones worldwide. Given the exclusive online nature of the Complainant's business, the Complainant's domain names consisting of its trademark are the primary way for its million users to avail themselves of the Complainant's services. Consequently, the Complainant has developed a strong online presence and is active on various social-media platforms such as, besides Instagram, Facebook, Twitter (now X), and LinkedIn.

The Complainant is the owner of various INSTAGRAM trademark registrations in many jurisdictions worldwide, including the following:

- INSTAGRAM, United States registration No. 4146057, registered on May 22, 2012, claiming a first use in commerce since of October 6, 2010, for goods in class 9;
- INSTAGRAM, European Union registration No. 014493886, registered on December 24, 2015, for goods and services in classes 25, 35, 38, 41 and 45; and
- INSTAGRAM, International registration No. 1129324, registered on March 15, 2012, for goods and services in classes 9 and 42 and designating various

The Complainant operates on the Internet through the domain name <instagram.com>, registered on June 4, 2004, and is the owner of numerous other domain names incorporating its INSTAGRAM mark.

The disputed domain name was registered on April 2, 2024, by an individual allegedly located in Pakistan. The disputed domain name resolves to a website titled "Instagram Video Download" that purports to offer a free tool to download Instagram content by prompting Instagram users to enter a URL from the Instagram platform into a box featured on the website. The Respondent's website contains multiple references to the INSTAGRAM mark and a gradient color scheme similar to that adopted by the Complainant on its official website.

On January 8, 2025, the Complainant submitted a Registrar registrant contact form notice seeking to contact the Respondent, but received no answer.

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 it has established ownership of registered rights over the trademark INSTAGRAM dating back before the date of registration of the disputed domain name. The disputed domain name is confusingly similar to the Complainant's mark as it includes it entirely with the sole addition of the letters "sss", which do not prevent a finding of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a licensee or affiliate of the Complainant. The Complainant has granted no authorization to the Respondent to make use of its INSTAGRAM mark in a domain name or otherwise. The Respondent registered the disputed domain name using a proxy service; there is no contact information on the Respondent's website. The name of the Respondent does not bear any resemblance with the disputed domain name. There is no evidence of the Respondent having acquired or applied for any trademark registration for INSTAGRAM or SSSINSTAGRAM, or any variation thereof. Accordingly, the Respondent's use of the disputed domain name does not support any reasonable claim of being commonly known by the disputed domain name.

The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. The Respondent's website purports to offer a tool to download content, including videos, photos, Stories and Reels, from the Complainant's Instagram platform by prompting Instagram users to enter an Instagram URL into a box featured on the Respondent's website. Such use cannot amount to a use in connection with a bona fide offering of goods or services. Indeed, the Respondent is making unauthorized use of the Complainant's mark to market its own ancillary services as described above. The Respondent is breaching the Complainant's terms of use and developer policies by providing an unauthorized Instagram downloader tool and going beyond the limits placed on the functionality of the Instagram platform. The use of such tool to download content from the Instagram platform may put the security of Instagram at risk as content scraped from the platform may be stored and used for unauthorized purposes. Moreover, the Respondent's website does not feature any disclaimer as to the Respondent's lack of relationship with the Complainant. Rather, the Respondent's website prominently displays the Complainant's INSTAGRAM trademark and makes use of a purple/pink gradient color scheme that is very similar to the Complainant's gradient color scheme. As such, the Respondent's website creates a misleading impression that the website is affiliated with, or approved by, the Complaint, which it is not.

Finally, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The use of the disputed domain name to offer a tool to download content from the Complainant's platform does not constitute legitimate or fair use. Given the nature of the disputed domain name and the Respondent's use to resolve to a website that features a very similar gradient color scheme to that of the Complainant's Instagram platform, the Complainant submits that the Respondent is using the disputed domain name to exploit the goodwill and reputation associated with the Complainant's INSTAGRAM mark by creating the false impression of association with the Complainant. Thus, the Respondent is misleadingly diverting the Internet users to its website, which is not a legitimate noncommercial or fair use of the disputed domain name.

As far as registration and use of the disputed domain name in bad faith are concerned, the Complainant notes that the INSTAGRAM mark is very distinctive and enjoys extensive reputation. In light of this circumstance and of the use the Respondent is making of the disputed domain name, the Respondent cannot credibly argue that it did not have knowledge of the Complainant's INSTAGRAM mark when it registered the disputed domain name. In addition, the Respondent was the respondent in a number of other UDRP disputes involving the Complainant's mark and other marks belonging to the Complainant's group. Accordingly, the Respondent registered the disputed domain name with the bad faith intent to target the Complainant and its well-known INSTAGRAM mark.

With respect to use in bad faith, the Complainant notes that the Respondent's use of the disputed domain name goes beyond the technical limits placed on the Instagram platform by the Complainant and is in violation of the Complainant's developer policies. Moreover, considering the use of a purple/pink gradient color scheme that is very similar to the Complainant's gradient color scheme, the Complainant submits that the Respondent is seeking to create a misleading impression of association with the Complainant and to offer an unauthorized tool for the improper use of the Complainant's services. The lack of disclaimer on the Respondent's website to clarify the Respondent's relationship (or lack thereof) with the Complainant adds to the confusion caused by the disputed domain name and constitutes additional evidence of the Respondent's bad faith conduct. In any event, even in the presence of a disclaimer on the Respondent's website, it would not have been sufficient to cure the Respondent's bad faith conduct.

The Respondent's use of a proxy service to conceal its identity and the Respondent's failure to reply to the Complainant's notice submitted via the Registrar's registrant contact form, are further indications of bad faith.

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 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 elements, here the three letters "sss", may bear on assessment of the second and third elements, the Panel finds the addition of such letters 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 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 notes that the Respondent is not a licensee or an affiliate of the Complainant. The Complainant did not grant an authorization to the Respondent to make use of its INSTAGRAM mark in any manner, including as part of the disputed domain name. The Respondent does not appear to be commonly known by the disputed domain name.

The Respondent is using the disputed domain name to resolve to a website featuring the Complainant's mark and using a purple/pink gradient color scheme very similar to the Complainant's gradient color scheme. Through its website, the Respondent purports to offer a free tool to download content from the Instagram platform by prompting Instagram users to enter a URL from the Instagram platform into a box featured on the website. The nature of the disputed domain name and the contents of the associated website are highly misleading for the Internet users. Moreover, the Respondent's website does not contain a disclaimer clarifying the lack of relationship of the Respondent with the Complainant. Thus, Internet users facing the disputed domain name may be misled about the origin of the website or may believe that the website is endorsed by the Complainant or an affiliate of the Complainant. Accordingly, the Panel finds that the Respondent is using the disputed domain name to divert Internet users to its website by creating a likelihood of confusion with the Complainant's mark in order to offer the Respondent's services. Accordingly, the use of the disputed domain name cannot amount to a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

For all the aforementioned reasons, the Panel finds that 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.

In the present case, the Panel notes that the Respondent has incorporated the Complainant's mark in the disputed domain name. Due to its extensive and widespread use and the billions of monthly active accounts worldwide, the INSTAGRAM mark is certainly one that enjoys high reputation. Moreover, such mark is inherently distinctive and searches on the Google engine have demonstrated that this mark is uniquely associated with the Complainant. In light of this and of the contents of the Respondent's website, it is clear that when the Respondent registered the disputed domain name it was aware of the Complainant and of the INSTAGRAM mark. The registration of a domain name incorporating a third party's well-known trademark, with no rights or legitimate interests, amounts to registration in bad faith.

The disputed domain name resolves to a website purporting to offer a free tool to download Instagram content by prompting Instagram users to enter a URL from the Instagram platform into a box featured on the website. The Respondent's website displays the Complainant's mark and uses the same distinctive gradient of color palette, thereby creating a misleading impression of association.

Moreover, the Respondent has also been the Respondent in other UDRP proceedings involving the Complainant or companies of the Complainant's group. This circumstance is further confirmation of the fact that the Respondent has intentionally decided to target the Complainant and its INSTAGRAM mark to divert Internet users to its website to its personal advantage. Lastly, the Panel notes that the Respondent has used a proxy service to conceal its identity and has failed to reply to the Registrar registrant contact form notice sent by the Complainant, which supports a finding of bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name 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 name <sssinstagram.pro> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: March 18, 2025