

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Fahad Nawaz, ZeeTv
Case No. D2025-0449

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 <instapro2.com> 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 February 5, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 (Redacted For Privacy, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 10, 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 13, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 10, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on March 17, 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, launched in 2010, and rapidly acquiring considerable goodwill and renown worldwide. The Instagram application has today more than 2.4 billion monthly active accounts. Instagram has consistently ranked among the top applications for mobile devices. 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 INSTA and INSTAGRAM trademark registrations in many jurisdictions worldwide, including the following:

- INSTA, United States registration No. 5061916, registered on October 18, 2016, claiming a first use in commerce since September 20, 2011, for goods in class 9;
- INSTA, European Union registration No. 014810535, registered on May 23, 2018, for goods in class 9;
- 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. 1129314, registered on March 15, 2012, for goods and services in classes 9 and 42 and designating various jurisdictions.

The Complainant also owns trademark registrations for its colored logo, including the following:



- European Union registration No. 015442502, registered on September 21, 2016, for goods and services in classes 9, 25, 35, 38, 41, 42 and 45;



- European Union registration No. 016039828, registered on May 3, 2017, for goods and services in classes 9, 25, 35, 38, 41, 42 and 45.

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 October 26, 2022, by an individual allegedly located in Pakistan.

The disputed domain name resolves to a website titled "INSTA PRO Download Latest Version", depicting the Complainant's registered marks and purporting to offer an unauthorized modified APK version of the Complainant's Instagram application, with additional features that are not offered on such application. These additional features include the ability to download Instagram content, interface customization, and extended privacy settings.

On August 8, 2024, the Complainant's lawyers sent a cease and desist letter to the Respondent. On August 12, 2024, the Complainant submitted a Registrar contact form. No answer was received.

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 INSTA 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 term "pro" and the number "2".

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 INSTA and INSTAGRAM marks 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 and 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 INSTA 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 for download, unauthorized modified APK versions of the Complainant's Instagram application with additional features that are not offered on the Complainant's platform. The Respondent's website also contains multiple references to the Complainant's INSTA and INSTAGRAM marks, as well as to the Complainant's logos and figurative marks. The Respondent's use of the disputed domain name facilitates breach of the Instagram Terms of Use by Instagram users. Moreover, the provision of tools that allow for unauthorized downloading of Instagram content places the privacy and security of Instagram users at risk as the content downloaded from the Complainant's platform using such APK versions may be stored and later used by third parties for unauthorized purposes.

The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. By using the disputed domain name to point to a website featuring the Complainant's logos and figurative trademarks, the Complainant submits that the Respondent is using the disputed domain name to exploit the goodwill and reputation associated with the Complainant's trademarks by creating a false impression of association with the Complainant. The Respondent is seeking to mislead Internet users to its website, which does not constitute a legitimate use of the disputed domain name. Furthermore, the Complainant notes that the Respondent's website displays commercial banners from which it is possible to infer that the Respondent is likely obtaining financial gain. As such, the Respondent's use of the disputed domain name cannot be qualified as noncommercial in nature and fair.

With respect to registration and use of the disputed domain name in bad faith, the Complainant notes that the Complainant's marks are inherently distinctive and well known. In light of this circumstance and of the use that the Respondent is making of the disputed domain name, the Respondent cannot credibly argue that it did not have any knowledge of the Complainant, or of its trademarks when registering the disputed domain name. Accordingly, the Complainant maintains that the Respondent registered the disputed domain name to attract Internet users to its website by creating an association between the disputed domain name, the Respondent's website and the Complainant's marks. Hence, the Respondent registered the disputed domain name in bad faith.

As far as use in bad faith is concerned, the use of the disputed domain name to resolve to a website that contains multiple references to the Complainant's marks and purports to offer for download unauthorized modified APK versions of the Complainant's Instagram application, with additional features, which are not offered on the Instagram platform, amounts to use in bad faith. Such use of the disputed domain name violates the Complainant's policies as it interferes with the Instagram services and does not respect the limits placed on the product functionality. Moreover, the use of the disputed domain name to enable users to download Instagram content facilitates breach of the Complainant's terms of use by Instagram users and may place privacy and security of Instagram users at risk, as downloaded content may be stored and later used for unauthorized purposes by third parties. Accordingly, in the Complainant's view, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of the Respondent's website and the services offered therein, in bad faith. Lastly, the registration of the disputed domain name through a proxy service provider, the lack of reply to the Complainant's cease and desist letter, and the fact that the Respondent has been the named respondent in other previous UDRP proceedings brought by the same Complainant or by companies of the Complainant's group are further indications of the Respondent's 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 INSTA 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, "pro2", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 INSTA and INSTAGRAM marks in any manner, including as part of the disputed domain name.

The Respondent is using the disputed domain name to resolve to a website featuring the INSTAGRAM and INSTA marks, as well as the Complainant's logo and figurative marks depicted above and some modified versions thereto. The website purportedly offers for download unauthorized modified APK versions of the Complainant's Instagram application with additional features not offered on the Instagram application. The website also displays banners inviting users to download other applications, some of which are named after the Complainant's mark INSTA. In line with paragraphs 10 and 12 of the UDRP Rules, the Panel has conducted some independent researches on the applications not named after the INSTA mark, and has so found that these applications serve different purposes. Some of these applications are for the download and management of videos from various online platforms, such as YouTube, TikTok, Facebook (which is another social network pertaining to the Complainant's group), etc., others for online streaming and others for game managing for Android phones. The footer of the website displays the following copyright notice: "Copyright © INSTAPRO2.COM All rights reserved". The website does not contain a disclaimer clarifying the lack of relation with the Complainant. The nature of the disputed domain name, which contains the INSTA mark along with the wording "pro2", which could refer to an advanced second version of the Complainant's platform, along with the contents of the associated website are highly misleading for the Internet users. The Panel finds that the Complainant is taking advantage of the goodwill associated with the Complainant's marks to promote the use of third parties' applications. Accordingly, the use of the disputed domain name cannot qualify as a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, such as the one described above can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent has incorporated the Complainant's INSTA mark in the disputed domain name. Due to its extensive and widespread use, the billions of monthly active accounts worldwide, and the immediate recognition of the INSTA mark as referring to the INSTAGRAM mark, the INSTA mark is one that certainly enjoys strong reputation. Moreover, such mark is inherently distinctive and is uniquely associated with the Complainant. In light of this and of the contents of the Respondent's website, which depicts the INSTA and INSTAGRAM marks, as well as the Complainant's well-known logo and figurative mark it is clear that when the Respondent registered the disputed domain name being fully aware of the existence of the Complainant's marks. 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 that purports to offer for download unauthorized modified APK versions of the Complainant's Instagram application with additional features not offered on the Instagram application. As previously indicated, the website displays the Complainant's marks, and variations of the Complainant's logo and figurative mark. The Respondent's website also includes the following copyright notice: "Copyright © INSTAPRO2.COM All rights reserved", while no disclaimer on the lack of association of website with the Complainant exists. The website also promotes the download of other applications, some of which also serve the purpose of downloading contents from social network well-known applications, including one belonging to one of the Complainant's related companies. Accordingly, the Respondent's website provides the strong impression of being a website belonging to the Complainant or endorsed by the Complainant. Accordingly, the Panel finds that, through the disputed domain name, the Respondent is unduly exploiting the goodwill and reputation of the Complainant's marks to attempt to divert Internet users to its website to its personal advantage.

The Panel further notes that the Respondent has also been the Respondent in other UDRP proceedings involving the Complainant or companies of the Complainant's group, that the Respondent has failed to reply to the Complainant's cease and desist letter and registrar contact form notice. All these circumstances further support 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 <instapro2.com> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: March 30, 2025