

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Muhammad Jawad Khan

Case No. D2025-0696

1. The Parties

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

The Respondent is Muhammad Jawad Khan, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <instadpdownloads.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 February 20, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the 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 February 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 20, 2025.

The Center appointed Andrea Cappai as the sole panelist in this matter on March 24, 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 an internationally renowned social networking application specialising in the sharing of photographs and videos. Instagram has amassed an extensive user base, exceeding 2.3 billion monthly active accounts globally, and is currently identified by major financial publications as the most downloaded application worldwide. The Complainant has a substantial social media following, with over 61 million “likes” on its official Facebook page and more than 33 million followers on X.

The Complainant’s app is also known among Internet users and industry operators by the abbreviated mark INSTA.

The Complainant owns numerous domain names consisting of or incorporating its INSTAGRAM trademark and possesses an extensive global portfolio of registered trademarks for INSTA and INSTAGRAM, along with various figurative marks associated with its brand. Among others, these registrations include:

- United States Trademark Registration No. 5,061,916 for INSTA, registered on October 18, 2016;
- Indian Trademark Registration No. 3101498 for INSTA, registered on December 5, 2017;
- European Union Trademark Registration No. 014810535 for INSTA, registered on May 23, 2018.

The disputed domain name was registered on July 16, 2022. The disputed domain name resolves to a website titled “instadp downloads”, offering tools to download Instagram content, including profile pictures, photos, videos, reels, and stories, by entering an Instagram URL. The acronym “dp” commonly refers to “Display Picture”, the user’s profile image on social networks. Additionally, the Respondent’s website displays pop-up ads promoting virus-removal services and cash bonus offers, potentially resulting in malware installation. The disputed domain name has been blacklisted on a known platform for identifying malicious content.

The Complainant’s representatives attempted to contact the Respondent via the Registrar’s registrant contact form but received no response. No further information regarding the Respondent is available.

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 asserts that the disputed domain name is confusingly similar to its mark, notwithstanding the inclusion of the term “dpdownloads”, which does not reduce the recognisability of the Complainant’s sign within the disputed domain name.

The Complainant submits that the Respondent’s website falsely purports to provide a tool enabling users to download content from the Complainant’s platform. In practice, however, the purported tool redirects users to webpages displaying source code, while the site simultaneously promotes pop-up advertisements likely intended to distribute malicious software. Furthermore, even if the tool were functional, such use would violate its Developer Policies by exceeding permitted functionality on the platform.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name or holds any trademark rights in the Complainant’s sign. The Complainant argues that the Respondent deliberately associated the disputed domain name with its mark to attract Internet users, thereby prompting them to engage with malicious links. Such conduct, according to the Complainant, cannot constitute legitimate noncommercial or fair use.

The Complainant further submits that the Respondent was evidently aware of its rights at the time of registration. The global reputation of the Complainant's mark and the deliberate selection of terms in the disputed domain name point to clear targeting. The Respondent holds no authorisation or trademark rights to justify the registration and has expressly referenced the Complainant's platform and trademark on its website, confirming its intent.

Concerning use, the Complainant submits that the Respondent's website falsely claims to offer a tool to download content from the Complainant's platform. In practice, the tool redirects users to source code pages, while the site promotes pop-ups likely designed to distribute malware. Even if functional, such a tool would breach the Meta Developer Policies. The Complainant contends that the site's purpose is to induce users to click on malicious links for commercial gain, conduct which cannot constitute fair use and clearly evidences bad faith in the use of the disputed domain name.

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 terms, such as "dp" and "downloads" 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 recognised 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 Respondent is neither a licensee of the Complainant nor otherwise affiliated with it, and there is no evidence of any authorisation permitting the Respondent to use the Complainant's mark, either within a domain name or otherwise. Indeed, the disputed domain name is registered to an individual whose personal name bears no resemblance whatsoever to the disputed domain name, and there is no indication that the Respondent is commonly known by the disputed domain name or possesses any rights corresponding to the Complainant's sign.

The disputed domain name resolves to a website purportedly offering tools for viewing and downloading content from the Complainant's platform. Moreover, the Respondent appears to be using the disputed domain name to attract Internet users by falsely claiming to provide access to the Complainant's content, while in practice redirecting them to links reasonably suspected of distributing malware.

Panels have held that the use of a domain name for illegal activity, here, claimed to be distributing malware, 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 observes that the Respondent was clearly aware of the Complainant's business and rights at the time of registering the disputed domain name. The Complainant's mark has been widely used globally since 2010, and previous decisions under the Policy have recognised both the established reputation of the Complainant's full brand and the prominence of its common abbreviation. The construction of the disputed domain name, coupled with the Respondent's website content, which explicitly references the Complainant's platform, clearly indicates an intention to target the Complainant's reputation. Additionally, the Panel notes that the disputed domain name resolves to a website purporting to offer a tool for viewing and downloading content from the Complainant's platform, reinforcing the conclusion that the Respondent had the Complainant specifically in mind at the time of registration.

Turning to use, the Respondent's website claims to provide a tool enabling anonymous viewing and downloading of content from the Complainant's platform, thereby exploiting the Complainant's goodwill to attract Internet users. Moreover, the Respondent's website directs users to links that appear designed to facilitate the distribution of malware, potentially for commercial gain, thus demonstrating clear bad faith. Furthermore, the Respondent's failure to reply to the Complainant's communication via the Registrar's contact form further strengthens the inference of bad faith use.

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. Panels have held that the use of a domain name for illegal activity, such as the distribution of malware in this case, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 <instadpdownloads.com> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: April 9, 2025