

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. hasham ali
Case No. D2025-0766

1. The Parties

The Complainant is Instagram, LLC, United States of America, represented by Greenberg Traurig, LLP, United States of America.

The Respondent is hasham ali, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <exploreig.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 25, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 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 (“Registration Private, Domains By Proxy”) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 amendment to the Complaint on March 4, 2025.

The Center verified that the Complaint together with the amendment to 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 March 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 28, 2025.

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on March 31, 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 United States of America company and a world-renowned online photo and video sharing social networking application, Instagram.

The Complainant is the owner of a portfolio of trademarks in connection to IG and INSTAGRAM in different jurisdictions. By way of example:

Intellectual Property India for IG with registration number 4016681, registered on December 4, 2018;

United States Patent and Trademark Office for INSTAGRAM, with registration Number 4146057, registered on May 22, 2012;

Intellectual Property Organization of Pakistan for INSTAGRAM with registration number 398684, registered on April 23, 2018.

The disputed domain name was registered on August 3, 2021, and resolves to a website where a modified version of the Complainant's INSTAGRAM design trademarks is displayed and offering an anonymous Instagram viewer and downloader tool.

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 the IG trademark remains recognizable in the disputed domain name.

Further, the Complainant alleges that the Respondent is not making a bona fide offering of goods or services since it is using Complainant's trademarks in violation of the prohibitions expressly set out in its terms of use. Likewise, the Respondent is encouraging users of Complainant's services to violate its terms of use via the scraping of user content or data from Complainant's platform.

The Respondent is not commonly known by the disputed domain name, nor is a licensee of the Complainant and neither is affiliated with the Complainant in any way. Moreover, the Respondent has composed the disputed domain name with Complainant's IG trademark and together with Respondent's website content specifically targeting the Complainant which entails a high risk of implied affiliation with the Complainant.

The Complainant contends that Oki Data criteria does not apply since Complainant prohibits the registration or use of domain names incorporating Complainant's marks.

The Complainant finds that IG is highly distinctive and a common abbreviation of the INSTAGRAM trademark, widely associated with the Complainant. Due to the renown of the Complainant's INSTAGRAM and IG trademarks it is inconceivable that the Respondent was not aware of the Complainant and its trademarks.

The Complainant also asserts that the Respondent is using the disputed domain name to exploit the goodwill and reputation attached to Complainant's INSTAGRAM and IG trademarks for commercial gain by attracting Internet users to its website and offering them derivative and ancillary services related to the Complainant. In such use, the Respondent is displaying a disclaimer not likely to be seen by a regular consumer found in a FAQ requiring user interaction to become visible.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (i) the disputed domain name is 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 name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

There are no exceptional circumstances within paragraph 5(f) of the Rules to prevent the Panel from determining the dispute based upon the Complaint, notwithstanding the failure of the Respondent to file a Response. Under paragraph 14(a) of the Rules in the event of such a "default" the Panel is still required "to proceed with a decision on the complaint", whilst under paragraph 14(b) it "shall draw such inferences therefrom as it considers appropriate". This dispute resolution procedure is accepted by the domain name registrant as a condition of registration.

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 Panel finds the mark is recognizable 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, "explore", 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.

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.

Indeed, none of the circumstances described in paragraph 4(c) of the Policy can be inferred from the file.

The Panel notes that the Respondent not only reproduces the Complainant’s mark in the disputed domain name but also reproduces a modified version of its design trademark while offering services related to the Complainant. The composition of the disputed domain name coupled with its use affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name. Further, the Panel finds that the effectively hidden disclaimer on the corresponding site does not provide rights or legitimate interest. On the contrary, such action strengthens the conclusion that the Respondent tried to impersonate or falsely suggest endorsement by the Complainant.

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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant’s mark as set out in paragraph 4(b)(iv) of the Policy. This finding is based on the offering of ancillary services related to the Complainant under the name “Explore IG” (displaying a figurative element very similar to the Complainant’s figurative trademark) together with pop-up ads offers when Internet users attempt to use Respondent’s services.

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.

The Panel recognizes the distinctive and well-known character of the Complainant’s trademarks.

The Panel finds that the Respondent targeted the Complainant and its trademarks when registering the disputed domain name. The Panel finds it most likely that the Respondent knew about the Complainant and its famous trademarks due to their broad recognition and use. Such knowledge is affirmed by the later use referencing the Complainant’s trademarks, as well as the fact that “IG” in connection to social media applications generally refers to the Complainant.

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 <exploireig.com> be transferred to the Complainant.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: April 14, 2025