

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Adila Ayaz, Freelance
Case No. D2025-0950

1. The Parties

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

The Respondent is Adila Ayaz, Freelance, Pakistan.

2. The Domain Names and Registrar

The disputed domain names <instaproz.com> and <instaproz.net> are registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 7, 2025. On March 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 11, 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 March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 2, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on April 10, 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 online photo and video sharing social-networking application. Since its launch in 2010, under the mark INSTAGRAM, commonly abbreviated as “Insta”, has acquired and developed goodwill and renown worldwide. Acquired by Meta Platforms, Inc. in 2012 (formerly Facebook, Inc.), the Complainant today is the growing photo- and video-sharing and editing software and online social network, with more than two billion monthly active accounts worldwide.

The Complainant has secured ownership of numerous trademark registrations for INSTA and INSTAGRAM in many jurisdictions, including for instance International Registration No. 1129314, mark INSTAGRAM, registered on March 15, 2012, Pakistani trademark registration No. 398679, mark INSTAGRAM, registered on May 1, 2017, United States trademark registration No. 5061916, mark INSTA, registered on October 18, 2016.

The Complainant has also made investments to develop a presence online by being active on various social-media platforms like Instagram, Facebook, Twitter and LinkedIn.

The disputed domain name <instaproz.net> was registered on April 26, 2024 and resolves to a website titled “Insta Pro Download Apk Latest Version v11.96 (Official) for Android” that purports to offer for download an unauthorized modified Android Package Kit (APK) version of the Complainant's Instagram application, with additional features that are not offered on the Instagram application. The Respondent's website also makes prominent reference to the Complainant's trademarks and logos. The Respondent's website also features a pink/yellow colour scheme that is very similar to the Complainant's gradient colour scheme.

The disputed domain name <instaproz.com> was registered on April 26, 2024 and resolves to an inactive web page.

The Respondent was named as the respondent in the prior UDRP case of *WhatsApp, LLC v. Adila Ayaz, Freelance*, WIPO Case No. [D2024-2999](#), in which the panel ordered the transfer of 14 WHATSAPP-formative domain names to the Complainant's related company.

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 names.

Notably, the Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademark. The presence of the Complainant's trademark INSTA in the disputed domain names is sufficient to establish confusing similarity between the disputed domain names and the Complainant's INSTA trademark. The addition of the term “proz” does not prevent a finding of confusing similarity with the Complainant's INSTA trademark, which remains clearly recognizable in the disputed domain names. The generic Top-Level Domains (“gTLD”) “.net” and “.com” may be disregarded for the purposes of assessing confusing similarity, as they are standard requirements of registration.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not using the disputed domain names in connection with any bona fide offering of goods or services. The Respondent is not a licensee of the Complainant. The Respondent is not affiliated with the Complainant in any way. The Complainant has not granted any authorization for the Respondent to make use of the Complainant's trademarks in a domain name or otherwise. The Respondent's use of the disputed domain name <instaproz.net> to resolve to a website that purports to offer for download unauthorized modified APK versions of the Complainant's Instagram application, which offer

additional features that are not offered on the Complainant's Instagram platform such as the ability to download Instagram content, cannot be considered a bona fide offering of goods or services.

The Respondent cannot be viewed as a bona fide service provider as it does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is making unauthorised use of the Complainant's INSTAGRAM and INSTA trademarks to market its own ancillary services, namely purporting to offer for download unauthorised APK versions of the Complainant's Instagram application. The Respondent does not satisfy the first or third Oki Data criteria. Namely, the Respondent is not a bona fide service provider in that it does not provide services for the proper use of the Complainant's product. Rather, the Respondent's website purports to offer for download unauthorized APK versions of the Complainant's Instagram application. Also, the Respondent's website does not feature any disclaimer-like wording as to the lack of relationship between the Respondent and the Complainant. Rather, by making numerous references to the Complainant's Instagram platform and the Complainant's trademarks, as well as featuring the Complainant's Instagram logos and modified versions of them, including as a favicon, the Respondent's website suggests that the Respondent is affiliated with the Complainant, which is not the case.

Moreover, the Respondent's use of the disputed domain name <instaproz.net> to provide unauthorized modified APK versions of the Instagram application with additional functionality over that introduced by the Complainant violates the Complainant's policies. The unauthorized downloading of Instagram content using such APK versions of the Complainant's Instagram platform also places the privacy and security of Instagram users at risk, as content downloaded may be stored and later used by third parties for unauthorized purposes. The non-use of the disputed domain name <instaproz.com> in connection with an active web page does not qualify as use of the disputed domain name in connection with a bona fide offering of goods or services. There is no evidence to suggest that the Respondent is commonly known by the disputed domain names. Nor is the Respondent currently making any legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers. Given the nature of the disputed domain name <instaproz.net> and the Respondent's use of it to point to a website that features the Complainant's logos and trademarks and modified versions of them, as well as a pink/yellow colour scheme that is very similar to the Complainant's gradient colour scheme, the Respondent is using the disputed domain name <instaproz.net> to exploit the goodwill and reputation associated with the Complainant's trademarks by creating a false impression of association with the Complainant. In this way, the Respondent is misleadingly diverting Internet users to its website, which does not constitute a legitimate noncommercial or fair use of the disputed domain name. The Respondent or the developer of the APK application ultimately derives commercial gain from the Respondent's unauthorized use of the Complainant's trademarks in the disputed domain name <instaproz.net> and on the Respondent's website, as well as the use of the Complainant's logos and trademarks as well as modified versions them, on the Respondent's website, including as a favicon. The Respondent's non-use of the disputed domain name <instaproz.com> in connection with an active web page does not constitute legitimate noncommercial or fair use of this disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's INSTAGRAM trademark is inherently distinctive and well known throughout the world in connection with its online photo-sharing social network, having been used continuously and extensively since its launch in 2010. Similarly, the Complainant's INSTA trademark is well known throughout the world as an abbreviation of the Complainant's INSTAGRAM trademark. As a result, the Respondent could not credibly argue that it did not have knowledge of the Complainant, its Instagram platform or its trademark registrations when registering the disputed domain names in April 2024, by which time Instagram had amassed over 2 billion monthly active users. The Respondent's prior knowledge of the Complainant and its trademark rights as well as the Respondent's intent to target the Complainant through the disputed domain names is made clear from the content of the Respondent's website, which makes explicit reference to the Complainant and its Instagram platform and features the Complainant's Instagram logos and trademarks, including as a favicon, as well as modified versions of them and a similar colour scheme. Since the Respondent registered the disputed domain names, it has not displayed any bona fide intent in relation to them. Rather, the Respondent has taken steps to point the disputed domain name <instaproz.net> to a website that purports to provide for download numerous unauthorized modified versions of the Complainant's

Instagram application that enable Internet users to download content from Instagram. Such activity violates the Complainant's policies. Moreover, the Complainant's non-use of the disputed domain name <instaproz.com> in connection with an active web page does not demonstrate that the Respondent registered it with a bona fide intent. The Respondent was named as the respondent in the prior UDRP case of *WhatsApp, LLC v. Adila Ayaz, Freelance*, in which the Panel ordered the transfer of 14 WHATSAPP-formative domain names to the Complainant's related company. Thus, the Respondent has engaged in a pattern of trademark abusive registrations targeting the Complainant and its related company, which amounts to further evidence of the Respondent's bad faith. The disputed domain name <instaproz.net> resolves to a website that purports to offer for download numerous unauthorized modified APK versions of the Complainant's Instagram application, with additional features that are not offered on the Complainant's platform, including the ability to download content from Instagram. The use of the disputed domain name to purport to offer an unauthorized APK version of the Complainant's Instagram application amounts to bad faith use. The Respondent's website features multiple references to the Complainant's trademarks and features the Complainant's Instagram logos and trademarks, including as a favicon, as well as modified versions of the Complainant's Instagram logos and trademarks. The Respondent's website also features a pink/yellow colour scheme that is very similar to the Complainant's Instagram gradient colour scheme. By using the disputed domain name <instaproz.net> in such a manner, the Respondent has intentionally intended to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website. Such unauthorized modified apps expose Internet users to a risk of phishing and/or malware, in bad faith. The fact that there is no disclaimer on the Respondent's website associated with the disputed domain name <instaproz.net> to clarify the Respondent's relationship (or lack thereof) with the Complainant further adds to the confusion caused by the disputed domain name itself and constitutes additional evidence of the Respondent's intentional bad faith conduct. The Respondent's non-use of the disputed domain name <instaproz.com> in connection with an active website does not prevent a finding 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 names. 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 INSTA is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term here, "proz", 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 names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The applicable gTLD in a domain name (e.g., ".com", ".net") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLDs ".com" and ".net" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. 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 available evidence does not confirm that the Respondent is commonly known by the disputed domain names, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated bona fide or legitimate use of the disputed domain names could be reasonably claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

The disputed domain name <instaproz.net> directs Internet users to a website with a logo and trademarks similar to the Complainant’s and designed similarly to the Complainant’s website to make the Internet users believe that they actually access the website at least endorsed by the Complainant. Past UDRP panels confirmed that such actions prove registrant has no rights or legitimate interests in a disputed domain name (see *Daniel C. Marino, Jr. v. Video Images Productions, et al.*, WIPO Case No. [D2000-0598](#), *Houghton Mifflin Co. v. Weatherman, Inc.*, WIPO Case No. [D2001-0211](#)).

According to section 2.8.1 of the [WIPO Overview 3.0](#) resellers, distributors using a domain name containing complainant’s trademark to undertake sales related to the complainant’s goods may be making a bona fide offering of goods and thus have a legitimate interest in such domain name. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the “Oki Data Test”), the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods at issue;
- (ii) the respondent must use the site to sell only the trademarked goods;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names reflecting trademark.

The Panel finds that the Respondent failed to satisfy at least the first and the third above requirements and does not offer the Complainant’s products and does not in any way disclose its actual relationship with the Complainant, at the website associated with the disputed domain name <instaproz.net> and thus failed to pass the Oki Data Test. The Respondent’s use of the disputed domain name <instaproz.net> misleads consumers into thinking that the website is operated by or affiliated with the Complainant. As such, the Respondent’s use of the disputed domain name <instaproz.net> cannot be considered bona fide.

The disputed domain names incorporate the INSTA trademark of the Complainant in its entirety and it is its

distinctive element. Since INSTA is a well-known trademark, and the disputed domain name is associated with the website offering INSTA related products, the Panel finds that the Respondent must have been aware of the INSTA trademark when it registered the disputed domain name, and that it chose to target the INSTA trademark because of the likelihood that it will attract traffic to the Respondent's websites. In the Panel's view, such conduct cannot be regarded as giving rise to rights or legitimate interests on the part of the Respondent to register and use the disputed domain names (see, e.g., *LEGO Juris A/S v. Andrei Novakovich*, WIPO Case No. [D2016-1513](#)).

The Panel also finds that the nature of the services provided on the website at the disputed domain name <instaproz.net>, in particular, downloading videos etc., cannot constitute a bona fide offering of goods or services or legitimate noncommercial fair use (see, e.g., *Andrey Ternovskiy dba Chatroulette v. Polina Butenina*, WIPO Case No. [D2018-1499](#)).

The Respondent has no rights or legitimate interests in the disputed domain name <instaproz.com> resolving to an inactive website (see, e.g., *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#)).

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 registered the disputed domain names incorporating the Complainant's well-known trademark and placed a website at the disputed domain name <instaproz.net> designed similarly to the Complainant's and featuring the Complainant's logos and trademarks, and also offering services related to the Complainant's products. The Panel finds this proves the Respondent knew and specifically targeted the Complainant and its well-known trademarks when registering the disputed domain names, which is bad faith.

The mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and level of goodwill in its trademark both in the United States and internationally. Thus, the Panel finds that the disputed domain names confusingly similar to the Complainant's trademark were registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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.

In particular, according to paragraph 4(b)(iv) of the Policy the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith: by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location. In this case, the disputed domain name <instaproz.net> resolves to a website featuring the Complainant's trademark and makes a false impression of being endorsed by the Complainant's to intentionally attract Internet users by creating likelihood of confusion with the Complainant's trademark as to the source of the website and its products. The Panel finds the above confirms the disputed domain name <instaproz.net> was registered and used in bad faith.

According to section 3.1 of the [WIPO Overview 3.0](#) given that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to the complainant's trademark would also satisfy the complainant's burden. In this regard, the Panel finds that the nature of the services provided on the website at the disputed domain name <instaproz.net>, constitutes bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, and the composition of the disputed domain name incorporating the famous Complainant's trademark and finds that in the circumstances of this case the passive holding of the disputed domain name <instaproz.com> does not prevent a finding of 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 names <instaproz.com> and <instaproz.net> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: April 24, 2025