

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Apratim Dayal
Case No. D2025-0976

1. The Parties

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

The Respondent is Apratim Dayal, India.

2. The Domain Name and Registrar

The disputed domain name <downloadvideofrominstagram.com> is registered with BigRock Solutions Pvt Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 11, 2025. On March 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 3, 2025.

The Center appointed Roger Staub as the sole panelist in this matter on April 9, 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 company organized under the laws of the United States which operates the well-known online photo- and video-sharing social-networking service and mobile application “Instagram”. The Complainant submits that it had over 500 million monthly active accounts worldwide in June 2016 and that it has over 2.3 billion monthly active accounts worldwide today. Instagram has consistently ranked amongst the top “apps” for mobile devices, including for iOS and Android operating systems. The Complainant submits that Instagram currently is the second most downloaded mobile application both in the world and in India, where the Respondent is reportedly located.

The Complainant owns various trademark registrations consisting of, or containing, the word INSTAGRAM in the United States, and in many other jurisdictions worldwide, including India. The Complainant’s portfolio of INSTAGRAM trademark registrations includes, inter alia, the following trademark registrations:

- United States trademark No. 4146057 INSTAGRAM, registered on May 22, 2012, in Class 9;
- International trademark No. 1129314 INSTAGRAM, registered on March 15, 2012, in Classes 9 and 42, covering, inter alia, Australia, Switzerland, European Union, Japan, Republic of Korea, Singapore and Türkiye; and
- Indian trademark No. 2645896 INSTAGRAM, registered on December 19, 2013, in Class 9.

The disputed domain name was registered on March 24, 2024.

The disputed domain name resolves to a website entitled “Instagram Downloader”, which purports to offer a tool to download Instagram videos, photos and Reels by prompting Instagram users to enter an Instagram URL into the box featured on the website. Users do not need an Instagram account to use the tool. At the bottom of the home screen there is a disclaimer “We are not affiliated with Instagram or Meta”.

Prior to filing the Complaint, the Complainant’s lawyer sent a cease-and-desist letter to the Respondent. The Complainant submits that the Respondent did not respond.

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 submits the following arguments:

First, the disputed domain name is identical or confusingly similar to the Complainant’s trademark. It comprises the Complainant’s INSTAGRAM trademark, preceded by the dictionary terms “download video from”, under the generic Top-Level Domain (“gTLD”) “.com”. This addition does not prevent a finding of confusing similarity between the Complainant’s trademark and the disputed domain name. The gTLD “.com” may be disregarded for the purpose of assessing confusing similarity, as it is a standard requirement of registration.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not a licensee of the Complainant, and it is not affiliated with the Complainant in any way. The Complainant has not granted any authorization for the Respondent to make use of its INSTAGRAM trademark. The Respondent is unable to be viewed as a bona fide service provider in terms of the Oki Data criteria, as it does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is making unauthorized use of the Complainant’s trademark to market its own ancillary

services. The Respondent's website purports to provide an unauthorized Instagram downloader tool, in breach of the Complainant's terms and policies. By featuring the Complainant's distinctive logo and color scheme, the Respondent's website may mislead Internet users into thinking that the Respondent's website and services provided therein are endorsed or otherwise permitted by the Complainant, which is not the case. The Respondent's use of the disputed domain name to provide a functional tool to download Instagram content breaches the Meta Developer Policies. Further, the Respondent is not commonly known by the disputed domain name, and the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

Third, 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. The Respondent could not credibly argue that it did not have knowledge of INSTAGRAM when registering the disputed domain name. The Respondent is using the disputed domain name to purport to offer a tool that enables Internet users to download Instagram content anonymously and is relying on the goodwill associated with the Complainant's INSTAGRAM trademark to attract Internet users to its website.

B. Respondent

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

6. Discussion and Findings

According to the Policy, to qualify for a cancellation or transfer, the Complainant must prove each of the following:

First, the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Third, the disputed domain name has been registered and is being used in bad faith.

Since the Respondent did not submit a reply, the Panel may choose to accept the reasonable, supported contentions of the Complainant as true. This Panel will determine whether those facts constitute a violation of the Policy that is sufficient to order the transfer of the disputed domain name (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#)).

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. Although the addition of other terms (here: "downloadvideofrom") may bear on the 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 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 Complainant credibly submits that it has never authorized, licensed, or permitted the Respondent to use the disputed domain name incorporating its well-reputed INSTAGRAM mark. At least some visitors of the website, to which the disputed domain name resolves, are likely to believe that the website is run with the Complainant’s authorization. This wrong impression is supported by the use of the Complainant’s distinctive logo and color scheme and is not necessarily avoided by adding a disclaimer at the bottom of the page. Panels have held that a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner, which is the case here. [WIPO Overview 3.0](#), section 2.5. Moreover, the composition of the disputed domain name itself carries a risk of implied affiliation.

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 Complainant submits as evidence screenshots of the website accessible under the disputed domain name showing that the Respondent has been using the Complainant’s INSTAGRAM trademark, including the Complainant’s logo, on the website to offer its own ancillary services. The Complainant submits, and the Respondent has not disputed, that these are unauthorized services. There is no doubt that Respondent was fully aware of the Complainant’s renowned trademark and social media network application. All this suggests that the Respondent is using the disputed domain name as a tool to attract, for commercial gain, Internet users to its website. Hence, circumstance 4(b)(iv) is given and suggests bad faith intentions of the Respondent.

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 <downloadvideofrominstagram.com> be transferred to the Complainant.

/Roger Staub/

Roger Staub

Sole Panelist

Date: April 23, 2025