

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Adila Ayaz, Freelance
Case No. D2025-1119

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 Name and Registrar

The disputed domain name <gbinstagram.org> 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 March 18, 2025. On March 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 20, 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 March 21, 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 March 26, 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 March 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 17, 2025.

The Center appointed Andrew F. Christie as the sole panelist in this matter on April 28, 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 operates a world-renowned online photo-sharing and video-sharing social networking application (“Instagram”), launched in 2010. Acquired by Facebook, Inc. in 2012, Instagram is a large and growing social network, with more than 2 billion monthly active accounts worldwide. Instagram has consistently ranked amongst the top apps for mobile devices, including for iOS and Android operating systems. Instagram is currently the 3rd most downloaded app for iOS phones worldwide, according to applications information company Data.ai.

The Complainant owns numerous word trademark registrations in many jurisdictions for INSTAGRAM, including International Registration No. 1129314 (registered on March 15, 2012), United States Trademark Registration No. 4146057 (registered on May 22, 2012), and European Union Trade Mark No. 14493886 (registered on December 24, 2015). The Complainant also owns figurative trademark registrations for its logo , including European Union Trade Mark No. 015442502 (registered on September 21, 2016) and United States Trademark Registration No. 5299116 (registered on October 3, 2017).

The disputed domain name was registered on April 12, 2023. The Complainant has provided screenshots dated March 18, 2023, showing the website to which the disputed domain name then resolved. This website is titled “GB Instagram Apk Download Latest Version V 6.0 for Android” and prominently displays the Complainant’s logo and INSTAGRAM word trademark. The website purports to offer for downloading a modified Android Package Kit (“APK”) version of the Complainant’s application called “GB Instagram”, with additional features that are not offered on the Complainant’s application, such as the ability to download and anonymously view Instagram content including posts, stories and profile pictures, interface customization and extended privacy settings. The website also includes a section which contains hyperlinks to other websites that purportedly offer downloads of: (i) various APK versions of the Complainant’s Instagram application; (ii) various APK version of the WhatsApp application belonging to the Complainant’s affiliate company, WhatsApp, LLC; and (iii) a wide range of third party applications. The footer of the website displays the copyright notice “© 2023 GB Instagram • All Rights Reserved.” No contact information is provided on the website.

As of the date of this Decision, the disputed domain name resolves to a website that is essentially the same as the website shown in the Complainant’s screenshots.

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.

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which it has rights on the following grounds. The presence of the Complainant’s INSTAGRAM word trademark in the disputed domain name is sufficient to establish confusing similarity between the disputed domain name and the Complainant’s trademark. The Complainant’s trademark is immediately recognizable in the disputed domain name, and that the addition of two letters does not prevent a finding of confusing similarity. The applicable generic Top-Level Domain (“gTLD”) may be disregarded for the purposes of assessing confusing similarity, as it is a standard requirement of registration.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the following grounds, among others. The Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy that would demonstrate its rights or legitimate interests in the disputed domain name. 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 its INSTAGRAM trademark in a domain name or otherwise. There is no evidence to suggest that the Respondent is commonly known by the disputed domain name, or that the Respondent has acquired or applied for any trademark registrations for INSTAGRAM or any variation thereof. The Respondent's use of the disputed domain name cannot be considered to be a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name. The Respondent is not a bona fide service provider in that it is not providing services for the proper use of the Complainant's product; rather, the website purports to offer for downloading unauthorized APK versions of the Complainant's Instagram application. Given that the website purports to provide links to third-party applications, the Respondent cannot be said to be using the disputed domain name solely in connection with goods and services offered under the INSTAGRAM trademark contained in the disputed domain name. The website does not feature any disclaimer as to the Respondent's lack of relationship with the Complainant; in fact, by making numerous references to the Complainant's Instagram platform, the website tends to suggest that the Respondent is affiliated with the Complainant, which is not the case. In light of the Respondent's use of the disputed domain name to resolve to a website featuring multiple references to the Complainant's logo and word trademarks, it is clear that the Respondent is seeking to trade off the reputation and goodwill attached to the Complainant's trademarks.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith on the following grounds, among others. The Complainant's INSTAGRAM trademark is inherently distinctive and is well known throughout the world in connection with its online photo-sharing social network, having been continuously and extensively used since its launch in 2010. In light of the above, the Respondent could not credibly argue that it did not have knowledge of the Complainant or its trademark when registering the disputed domain name in April 2023, by which time the Complainant's platform had amassed over 2 billion monthly active users. The Respondent's intent to target the Complainant when registering the disputed domain name is readily apparent from the content of the Respondent's website, which makes explicit reference to the Complainant logo and word trademarks. By using the disputed domain name to resolve to a website purporting to offer modified APK versions of the Complainant's Instagram application with additional features not offered on the Complainant's platform, 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.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. It is the owner of a number of trademark registrations for the word trademark INSTAGRAM.

The entirety of the Complainant's trademark is reproduced within the disputed domain name. Although the addition of other terms (here, "gb") 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. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 2.1.

The Panel considers that the composition of the disputed domain name, coupled with the use of the disputed domain name, carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The evidence establishes that the Respondent has used the disputed domain name to resolve to a website which, by reproducing the Complainant’s logo and word trademarks, by purporting to offer modified versions of the Complainant’s GB Instagram application, and by not accurately disclosing the Respondent’s lack of a relationship with the Complainant, falsely purports to be affiliated with the Complainant. Panels have held that the use of a domain name to imply a commercial affiliation that does not exist can never confer rights or legitimate interests on a respondent.

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 finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In the present case, the Panel notes that: (i) the Respondent registered the disputed domain name many years after the Complainant first used and registered its INSTAGRAM word trademark; (ii) the disputed domain name incorporates the Complainant’s trademark in its entirety, and merely adds the letters “gb”; and (iii) the Respondent has used the disputed domain name to resolve to a website that reproduces the Complainant’s logo and word trademarks. It is clear the Respondent registered the disputed domain name with knowledge of the Complainant’s word trademark.

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 evidence shows that the Respondent has used the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant’s trademark. Having reviewed the record, the Panel finds that 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 <gbinstagram.org> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: May 12, 2025