

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Hans Quintes, Netogami Lda e Comandita
Case No. D2025-1529

1. The Parties

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

The Respondent is Hans Quintes, Netogami Lda e Comandita, Portugal.

2. The Domain Name and Registrar

The disputed domain name <instaswift.com> is registered with Amazon Registrar, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 15, 2025. On April 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 16, 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 (On behalf of instaswift.com owner, Identity Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 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 April 23, 2025.

The Center verified that the Complaint 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 April 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. The Respondent sent email communications to the Center on May 16 and 21, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on May 27, 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 based company, which provides online photo and video sharing services. Since 2010, these services are provided through its internationally known and popular online platform, which primarily consists of a mobile application and a website.

The Complainant is the owner of various INSTAGRAM and INSTA trademark registrations. Its various word and figurative trademarks are registered in a large number of jurisdictions. For instance, the Complainant is the owner of the International Trademark Registration No. 1129314, registered on March 15, 2012, for INSTAGRAM and United States Trademark Registration No. 5061916, registered on October 18, 2016, for INSTA. Also, the Complainant is the owner of the European Union Trademark Registration No. 014810535 for INSTA, registered on May 23, 2018. The registered trademarks cover protection for various goods and services primarily related to online social networking services.

Furthermore, the Complainant holds and operates its main website at “www.instagram.com”.

The Respondent is reportedly located in Portugal.

The disputed domain name was registered on May 26, 2016.

According to provided screenshots by the Complainant, the disputed domain name initially resolved to a website that purportedly offered for sale “likes”, “followers”, “comments” etc. for accounts on the Complainant’s social media platform. On that website, the Respondent prominently used the Complainant’s INSTAGRAM trademark without a visible disclaimer describing the (lack of) relationship between the Parties. Once the Complaint was filed, the disputed domain name redirected Internet users to a third-party-website with similar content and design like the previous website.

At the time of the Decision, the disputed domain name does no longer resolve to an active website.

On March 13, 2025, the Complainant’s lawyers sent a cease-and-desist letter to the Respondent, but no response was received.

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.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions. However, the Center received two email communications on May 16 and 21, 2025.

In the first email communication of May 16, 2025, the Respondent literally stated “I am the Respondent in Case 2025-1529. I consent to the transfer of <instaswift.com> to the Complainant and request that the proceeding be suspended for 30 days so the transfer can be completed”.

After this request was refused by the Complainant, the Respondent literally stated in the second email communication to the Center of May 21, 2025, that it “unconditionally consents to the transfer of the domain name to the Complainant and requests that the Center proceed accordingly”.

6. Discussion and Findings

6.1. Respondent’s Consent to Transfer

The Panel notes that despite the willingness of the Respondent to transfer the disputed domain name, the Complainant did not agree to a suspension of the proceedings and wished to proceed on the merits of the case, particularly as the Respondent was already given the opportunity to settle the case prior to the administrative proceeding and that meanwhile the Complainant was obliged to incur time and costs of filing the Complaint.

The Panel therefore finds that it is appropriate to render a decision on the basis of the merits of the present case.

6.2. Substantial Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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 has been registered and is being used in bad faith.

For the evaluation of this case, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”) and, where appropriate, will decide consistently with the consensus views stated therein.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the INSTAGRAM and INSTA trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the INSTA mark and a significant part of the INSTAGRAM mark are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant’s marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “swift”, 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. The Respondent’s consent to a transfer of the disputed domain name further supports the Panel’s finding.

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.

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 the present case, the Panel notes that the Respondent must have had the Complainant in mind when registering the disputed domain name, particularly considering that it resolved to a website purportedly offering for sale “likes”, “followers”, “comments” etc. for accounts on the Complainant’s social media platform. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain name to target the Complainant.

With respect to the use of the disputed domain name in bad faith, the Panel finds that the Respondent is using the disputed domain name in order to generate traffic to its own website by misleading third parties in a false belief that the website associated to the disputed domain name is operated or at least authorized by the Complainant. Particularly, the offering of “likes”, “followers”, “comments” etc. for accounts on the Complainant’s social media platform is in view of the Panel evidence of the Respondent’s bad faith intent to target the Complainant and its services for illegitimate commercial gain by deliberately creating a likelihood of confusion with the Complainant’s INSTAGRAM and INSTA trademarks.

The fact that the disputed domain name currently does not resolve to an active website anymore does not prevent a finding of bad faith.

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 <instaswift.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: June 10, 2025