

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Akash Rakshit
Case No. D2025-1906

1. The Parties

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

The Respondent is Akash Rakshit, India, self-represented.

2. The Domain Name and Registrar

The disputed domain name <snap-insta.app> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 16, 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 May 20, 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 May 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2025. The Respondent sent an email to the Center on May 26, 2025, asking for a suspension to explore the possibility of settlement. On May 27, 2025, the Complainant sent an email to the Center declining to explore settlement with the Respondent. The Response was filed

with the Center on June 14, 2025. The Complainant filed an unsolicited supplemental filing on June 18, 2025 to correct an annex to the Complaint. On the same day, the Respondent filed an unsolicited supplemental filing in response.

The Center appointed Matthew Kennedy as the sole panelist in this matter on June 26, 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 the Instagram online photo and video sharing social networking service and mobile application. Launched in 2010 and acquired by Facebook, Inc, now Meta Platforms, Inc. (“Meta”) in 2012, Instagram now has more than two billion monthly active accounts worldwide, including over 400 million users in India. The Complainant has registered the domain name <instagram.com> and uses it in connection with its website while its mobile application is made available on Google Play Store and Apple App Store. The application is often referred to as “Insta”. The Complainant holds numerous trademark registrations in multiple jurisdictions, including the following:

- United States trademark registration number 4146057 for INSTAGRAM, registered on May 22, 2012 (with a claim of first use in commerce on October 6, 2010);
- United States trademark registration number 5061916 for INSTA, registered on October 18, 2016 (with a claim of first use in commerce on September 20, 2011);
- Indian trademark registration number 2645896 for INSTAGRAM, registered from December 19, 2013; and
- Indian trademark registration number 4789526 for INSTA, registered from December 21, 2020.

The above trademark registrations are current. The Complainant is also active on various other social media platforms. For example, its official X account has over 33 million followers.

The Respondent is an individual based in India.

The disputed domain name was registered on June 14, 2023. It resolves to a website for “Snapinsta” that formerly displayed a banner reading “Instagram Downloader – Download Instagram Videos, Reels, Photos, Stories and Highlights Quickly”, below which it presented the features of this online tool. The website claimed that “Snapinsta supports all types of Instagram videos/images links”. The homepage also formerly displayed a banner reading “Video Downloader: TikTok, Instagram” and claimed to support dozens of other popular social media platforms, including Snapchat. The tools were offered free of charge. Meta sent a cease-and-desist letter to the Respondent on December 19, 2024, following which the content of the website changed. It no longer offers an Instagram Downloader but it does offer a “TikTok Video Downloader” to enable Internet users to download TikTok videos and images without watermark. It also offers tools to download Rumble, OK.ru, and Pinterest videos and images without restrictions and claims to support dozens of other online sources. The tools are still offered free of charge. The website displays advertising. At the bottom of the homepage the following disclaimer now appears: “We are not affiliated with Instagram or Meta”.

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 disputed domain name is confusingly similar to its INSTAGRAM and INSTA trademarks.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not a licensee of the Complainant, nor is he affiliated with the Complainant in any way. The Complainant has not authorized the Respondent to make any use of its INSTAGRAM or INSTA trademarks, in a domain name or otherwise. All the former elements of the Respondent's website were likely to confuse users into either believing that the disputed domain name and the Respondent's putative downloader services are operated by, approved of, sponsored by, or somehow affiliated with the Complainant. As a result of the Complainant's cease-and-desist letter, the Respondent updated its website but, in leveraging the Complainant's INSTAGRAM and INSTA trademarks, the Respondent seeks to misleadingly attract users to its website and then divert them to the Complainant's competitors. It is clear that the Respondent attempts to exploit the fame of the Complainant's trademarks to drive traffic to their derivative ancillary services, through the disputed domain name, to a competitor's social media platform. Moreover, the Respondent's website content has consistently featured pay-per-click advertisements in an attempt to trade off the goodwill of the Complainant.

The disputed domain name was registered and is being used in bad faith. It is inconceivable that the Respondent was not aware of the Complainant's INSTAGRAM and INSTA trademarks when he registered the disputed domain name because they are highly distinctive and are exclusively associated with the Complainant. The disputed domain name has been, and remains, used by the Respondent with a website that offers a tool for the unauthorized viewing, scraping, and downloading of content on various social media platforms, originally including the Complainant's own Instagram platform and now its competitor TikTok, but also Twitter, Pinterest, and others. In so doing, the Respondent has circumvented the Complainant's safety prohibitions against downloading content in violation of the Complainant's Terms of Service.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Specifically, the Respondent submits that 1) His website and the disputed domain name are in no way affiliated, sponsored, endorsed, or connected with Instagram or Meta; 2) His website does not offer any tools or services that allow downloading from Instagram. There is no content, feature, or functionality that uses or interacts with Instagram or any Meta platform; 3) The Respondent fully respects and acknowledges Instagram and Meta's trademark rights, policies, and terms of use. He does not use any of their intellectual property, branding, logos, APIs, or names in any misleading way; 4) The disputed domain name was created using two generic dictionary words: "snap" indicating speed or a photo and "Insta" short for "instant", not referencing Instagram. The disputed domain name was chosen to represent speed and simplicity, not to imitate or capitalize on the Complainant's name or brand; 5) The site was intended to allow users to download their own media, if hosted online. However, the site currently does not allow downloading from any third-party platform, and its terms and conditions clearly restrict downloading content only by rightful owners; 6) He never had any intention to misuse the Complainant's brand; he took immediate steps to ensure the site does not create confusion; he is acting in good faith, and he has never tried to mislead users.

The Respondent requests that the Panel recognize his good faith and legitimate use of the disputed domain name and deny the transfer request. He submits that he is fully committed to complying with applicable laws and trademark rights and remains open to taking any additional corrective actions if required.

In addition, the Respondent submits that when he was contacted by Meta regarding certain elements associated with his website, he immediately complied with their request and removed all related content. He cooperated fully, made necessary corrections without delay, and ensured that no potentially infringing material remained thereafter. He also clarifies that if any older versions of his website previously displayed elements that appeared visually similar to the Complainant's branding, it was never done in bad faith. Any

resemblance was entirely unintentional and has long since been corrected. His website is now fully compliant and no longer reflects any similarity or confusion with the Complainant's services.

6. Discussion and Findings

6.1 Unsolicited Supplemental Filings

On June 18, 2025, after receipt of the Response and prior to the appointment of the Panel, the Complainant requested to "correctively supplement" Annex 10 to the Complaint. The original Annex 10 contains only screen captures of the Respondent's current website. The Complainant's supplemental filing seeks to add historic screen captures of that website pre-dating the Complainant's cease-and-desist letter, which it submits were omitted from the Annex due to an administrative error.

On the same day, the Respondent made his own supplemental filing, which he requested the Panel to consider in conjunction with the Complainant's supplemental filing. The Respondent's supplemental filing adds a section on good faith action taken in response to Meta's cease-and-desist letter and a clarification regarding the historic screen captures.

Paragraph 10(d) of the Rules provides that "[t]he Panel shall determine the admissibility, relevance, materiality and weight of the evidence". Although paragraph 12 of the Rules empowers the Panel, in its sole discretion, to request further statements or documents from either of the Parties, this does not preclude the Panel from accepting unsolicited filings. See *Delikommat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#).

Neither Party objects to the admission of the other Party's supplemental filing. The Panel observes that the Complainant's supplemental filing provides historic screen captures that were described in detail in the Complaint and indeed seem to have been omitted in error. The Respondent was fully on notice of the Complainant's arguments regarding the prior use of the disputed domain name and took the opportunity to comment on them in the Response and in its own supplemental filing. Both Parties' supplemental filings were made before the appointment of the Panel, both are relatively brief, and accepting them will not unduly burden this proceeding.

Therefore, the Panel exercises its discretion to admit both Parties' supplemental filings and will take them into consideration in this decision according to their respective relevance, materiality, and weight as part of the evidence on the record.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

The burden of proof of each element is borne by the Complainant.

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. See 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 the INSTA and INSTAGRAM trademarks for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. Given the findings below, it suffices for the purposes of the first element of the Policy to compare the INSTA mark with the disputed domain name.

The entirety of the INSTA mark is reproduced within the disputed domain name. Despite the addition of the word “snap” as the initial element, separated from the mark by a hyphen, the INSTA mark remains clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain (“gTLD”) extension (“.app”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is confusingly similar to the INSTA mark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.7.

Therefore, 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 disputed 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name incorporates the Complainant’s INSTA mark and the gTLD extension “.app” which, despite the addition of “snap-”, convey to the Internet user that it will resolve to an app for use with the Complainant’s Instagram platform. The disputed domain name formerly did just that, as the associated website offered an “Instagram Downloader” tool to download content from the Complainant’s platform. This created a likelihood of confusion in the mind of Internet users as to whether the site was endorsed by, or affiliated with, the Complainant in some way. The Complainant submits that it has not authorized the Respondent to make any use of its INSTA trademarks, in a domain name or otherwise, and that use of this downloading tool constitutes a breach of its terms of service. The Respondent’s website previously contained no disclaimer of any affiliation with the Complainant. After the Complainant sent a cease-and-desist letter, the content of the Respondent’s website changed. It now offers a “TikTok Video Downloader” for use with a platform that competes with the Complainant and supports content from other social media platforms that also operate in competition with the Complainant. However, the disputed domain name still capitalizes on the value of the Complainant’s INSTA mark to attract Internet users and direct them to the Respondent’s site. Although the website now contains a disclaimer of any affiliation with the Complainant or Meta, this disclaimer is not prominent and easily goes unnoticed. In any case, even if an Internet user should see the disclaimer, the disputed domain name has by that time already attracted and directed them to the Respondent’s website. Even though the downloader tools are free to use, the site displays advertisements, which generate commercial gain. In the Panel’s view, this evidence constitutes a prima facie case that the disputed domain name is not being used in connection with a bona fide offering of goods or services and that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Moreover, the Respondent’s name is “Akash Rakshit”, not the disputed domain name. There is no evidence indicating that the Respondent has been commonly known by the disputed domain name.

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.

Turning to the Respondent's arguments, he alleges that he devised the disputed domain name from two generic dictionary words "snap" and "insta" (short for "instant"). The Panel notes that "insta-" has a dictionary meaning as a prefix but that is not how it is used in the disputed domain name. The Respondent further alleges that "insta" was not chosen to imitate or capitalize on the Complainant's name or brand but was chosen due to its meaning as "instant", however this allegation is belied by the fact that he formerly used the disputed domain name with a website offering an "Instagram Downloader" tool that clearly referenced the Complainant's platform. The Respondent argues that he complied with Meta's request in its cease-and-desist letter and that he does not use any of the Complainant's intellectual property, branding, logos, APIs, or names in any misleading way. However, while the Respondent has removed references to INSTAGRAM on his website, he still uses the INSTA mark in the disputed domain name itself to attract Internet users and direct them to his site where he displays advertising. The Respondent also argues that his site currently does not allow downloading from any third-party platform. However, even if true, there is still a risk that downloading may be reauthorized at any time while the site is under the Respondent's control.

Accordingly, the Respondent does not rebut the Complainant's prima facie showing and the Response does not contain any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the record, 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. The fourth of these is as follows:

"(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] web site or location or of a product or service on [the respondent's] web site or location."

In the present case, the disputed domain name was registered in 2023, years after the registration of the Complainant's INSTAGRAM and INSTA marks, including in India, where the Respondent is based. The disputed domain name wholly incorporates the INSTA mark, combining it with other elements, and is used with a website that formerly offered an "Instagram Downloader" tool. The Panel does not accept the Respondent's explanation for his choice of the disputed domain name for the reason given in Section 6.2B above. In view of these circumstances, the Panel finds that the Respondent registered the disputed domain name with the Complainant's INSTA mark in mind.

As regards use, the disputed domain name incorporates the Complainant's INSTA mark and resolves to a website purportedly offering downloading tools which support platforms that are in competition with the Complainant. The website also displays advertisements. For the reasons given in Section 6.2B above, the Panel finds that these circumstances fall within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 <snap-insta.app> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: July 7, 2025