

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Fatima Rasheed
Case No. D2025-2519

1. The Parties

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

The Respondent is Fatima Rasheed, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <instanderlive.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 26, 2025. On June 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 29, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 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 July 3, 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 July 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Respondent sent email communications to the Center on July 10, 2025 and on July 26, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on August 5, 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 globally renowned online photo- and video-sharing social networking platform, operating under the name Instagram. Since its launch in 2010, Instagram, also commonly referred to as “insta,” has acquired significant goodwill and reputation worldwide. In 2012, it was acquired by Meta Platforms, Inc. (formerly Facebook, Inc.) and has since become one of the fastest-growing online social networks, with over 2 billion monthly active accounts. The Instagram platform consistently ranks among the leading mobile applications worldwide, and according to Data.ai, it is the third most downloaded iOS application globally.

The Complainant has evidenced to be the registered owner of numerous trademarks worldwide relating to its INSTAGRAM and INSTA trademarks including, but not limited, to the following:

- United States Registration No. 5061916, registered on October 18, 2016, for the word mark INSTA, in class 9;
- European Union Trade Mark No. 014810535, INSTA, registered on May 23, 2018, for the word mark INSTA in class 9;
- International Trademark Registration No. 1129314, registered on March 15, 2012, for the word mark INSTAGRAM, in classes 9 and 42.

In addition, the Complainant owns and operates numerous domain names incorporating its INSTA and INSTAGRAM trademark across a range of generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”), which serve as a primary channel for users to access its services.

The aforementioned trademarks were registered prior to the disputed domain name, which was registered on March 9, 2024. The disputed domain name resolves to a website offering for download an unauthorized modified APK version of the Complainant’s Instagram application, referred to as “Inlander APK” or “Inlander.” This modified version provides functionalities not available in the official Instagram application, such as downloading high-quality videos, images, and stories, removing advertisements, and copying captions. The website offers both a “Clone Version” that can operate alongside the official application and an “Unclone Version” requiring the removal of the original Instagram application.

The Respondent’s website also advertises a “verification” feature in exchange for monetary donations, and further lists the additional unauthorized modified APK versions of the Instagram application, including “GB Instagram,” “InstaPro,” “InstaMod,” and “Aero Insta.” Finally, the Respondent’s website features a modified version of the Complainant’s Instagram logo and figurative trademark.

According to the disclosed Whois information, the Respondent of the disputed domain name is located in Pakistan.

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 asserts that the disputed domain name is confusingly similar to its INSTA trademark, as it incorporates the trademark in its entirety. The addition of the letters “nder” and the term “live” does not prevent a finding of confusing similarity, as the Complainant’s trademark remains clearly recognizable within the disputed domain name. The Complainant further submits that the gTLD “.com” should be disregarded under the first element, as it is a standard registration requirement and does not affect the assessment of confusing similarity.

Furthermore, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name for the following reasons:

First, the Respondent is not affiliated with, licensed by, or otherwise authorized by the Complainant to use the INSTA or INSTAGRAM trademarks in connection with the disputed domain name.

Second, the Respondent has not used, nor demonstrated any preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the disputed domain name resolves to a website offering for download an unauthorized modified APK version of the Complainant’s Instagram application, featuring additional functions not present in the official platform, such as downloading content, removing advertisements, and copying captions.

The Respondent’s website contains multiple references to the Complainant’s INSTA and INSTAGRAM marks, displays modified versions of the Complainant’s logos. Such use is not bona fide and instead seeks to trade off the reputation and goodwill of the Complainant’s trademarks.

Furthermore, the Respondent cannot be viewed as a bona fide service provider, as the Respondent markets its own ancillary services and the website lacks any disclaimer of affiliation with the Complainant. The Respondent therefore fails to satisfy the criteria of fair use as established by “Oki Data test”.

Third, the Respondent is not commonly known by the disputed domain name, has no trademark registrations corresponding to it, and there is no evidence that it has acquired any reputation in the name independent of the Complainant’s marks. The disclosed Respondent’s name bears no resemblance to the disputed domain name.

Finally, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The website offers an unauthorized modified version of the Complainant’s application, featuring multiple references to the Complainant’s trademarks and logos, with the intent to exploit the goodwill and reputation associated with the Complainant’s trademark by creating a false impression of associating with the Complainant in order to misleadingly diverting Internet users to the Respondent’s website.

Furthermore, the website related to the disputed domain name promotes a “verification” feature in exchange for donations, displayed advertising banners. Such conduct demonstrates an intent for commercial gain through misleading diversion of Internet users, which does not confer rights or legitimate interests under the Policy.

The Complainant further contends that the Respondent has registered and is using the disputed domain name in bad faith for the following reasons:

First, the Complainant’s INSTA and INSTAGRAM trademarks are inherently distinctive, well-known worldwide, and had acquired substantial goodwill long before the Respondent’s registration of the disputed domain name in March 2024. Given Instagram’s global user base of over 2 billion at that time, the Respondent could not credibly claim to have been unaware of the Complainant’s rights.

Rather, the Respondent’s website demonstrates actual knowledge of the Complainant’s trademarks, having featured modified versions of the Complainant’s logos, similar color schemes, and multiple references to the INSTAGRAM mark, thereby deliberately targeting the Complainant’s trademarks.

Second, the Respondent registered the disputed domain name using a privacy shield, provided incomplete or false WHOIS contact details, and failed to respond to the Complainant's legal correspondence, further evidencing bad faith.

Third, the disputed domain name has been used to resolve to a website offering an unauthorized modified APK version of the Complainant's Instagram application, including additional functions such as downloading content and removing advertisements, which interferes with the intended operation of the Instagram service and may compromise user security and privacy.

Fourth, the Respondent's website contained commercial advertising and solicits donations, indicating an intent to obtain commercial gain by creating a likelihood of confusion with the Complainant's marks as to source, sponsorship, affiliation, or endorsement of the Respondent's website.

Fifth, the Respondent removed certain infringing visual elements from the website only after being contacted by the Complainant's lawyers, which the Complainant asserts is further evidence of bad faith conduct.

Finally, the absence of any disclaimer of affiliation on the Respondent's website increases the likelihood of confusion, and even if such a disclaimer had been present, it would not have cured the Respondent's illegitimate use.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

In summary, while acknowledging some degree of similarity between the disputed domain name and the Complainant's INSTAGRAM trademark, the Respondent argues that the overall composition of the disputed domain name and the content of the associated website are sufficiently distinct. The Respondent maintains that the website does not replicate the Complainant's trademarks or interface and further asserts a willingness to make adjustments to avoid any potential confusion.

With respect to the second element of the Policy, the Respondent submits that the term "instander" is a widely used designation for a modified application and, as such, does not constitute an enforceable trademark. The Respondent further claims that the disputed domain name was chosen at random and is being used for a personal project with informational, educational, and experimental purposes, including blogging and digital tools. According to the Respondent, the site does not directly host copyrighted material or APK files, nor is it used for commercial gain, redirection, or keyword hijacking.

The Respondent emphasizes that the site is not affiliated with Instagram or Meta Platforms, Inc., and refers to the presence of a Disclaimer, Terms and Conditions, Privacy Policy, and Digital Millennium Copyright Act ("DMCA") Policy on the website as evidence of compliance with legal requirements.

Regarding the third element, the Respondent asserts that the disputed domain name was registered in good faith, without intent to infringe the Complainant's rights or mislead users, and that the site is not operated for commercial purposes. The Respondent also indicates willingness to cooperate in resolving the matter, including by adding or amending disclaimers, modifying the site, or, if necessary, renaming or transferring the disputed domain name by mutual agreement.

On this basis, the Respondent requests that the Complaint be denied.

6. Discussion and Findings

Substantive issues

Pursuant to paragraph 4(a) of the Policy, the Complainant must establish each of the following required elements in order to succeed:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is well established that the content of a respondent's website is generally disregarded when assessing confusing similarity under the first element of the Policy. The assessment is typically conducted by comparing the Complainant's trademark with the disputed domain name on a side-by-side basis, considering both visual and aural comparison.

Nevertheless, where appropriate, the Panel may also consider the website to which the disputed domain name resolves in order to determine whether it appears that the Respondent is targeting the Complainant's trademark.

In the present case, the Panel reviewed the website associated with the disputed domain name and finds that the content, including multiple references to the Complainant's trademarks and use of logos confusingly similar to those of the Complainant, supports a finding of confusing similarity. The Panel considers that the element "insta" in the disputed domain name clearly references the Complainant's trademarks INSTA and INSTAGRAM. [WIPO Overview 3.0](#), section 1.15.

Although the addition of other terms, here, "nder" and "live", may bear on 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 Complainant's marks 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.

Indeed, the Complainant has confirmed that the Respondent is neither affiliated with, nor otherwise authorized or licensed by the Complainant to use the INSTA and INSTAGRAM trademarks in connection with the disputed domain name or otherwise.

The disputed domain name resolves to a website offering for download an unauthorized, modified APK version of the Complainant’s Instagram application, which includes features not authorized by the Complainant. The Respondent’s website prominently displays the Complainant’s trademarks, confusingly similar logos, and the same color scheme as used by the Complainant.

The Panel has considered whether the Respondent could be regarded as a reseller or service provider that may have legitimate interests in a disputed domain name under the criteria set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). These criteria require that:

- (i) the respondent must actually offer the goods or services at issue;
- (ii) the respondent must use the website to sell only the trademarked goods or services;
- (iii) the website must accurately and prominently disclose the respondent’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark.

In this case, the Respondent fails to satisfy these requirements. First, the Respondent is not a bona fide service provider in relation to the Complainant’s products; instead, it distributes an unauthorized modified APK version of the Complainant’s Instagram application. Second, the Respondent’s use of the Complainant’s trademarks, coupled with the absence of any disclaimer, creates a misleading impression of affiliation. The Respondent incorporates the INSTA and INSTAGRAM trademarks into its content and even uses a modified version of the Complainant’s well-known logo.

Accordingly, the Panel finds that the Respondent’s website is deliberately designed to create confusion as to its association with the Complainant and its trademarks, in order to divert traffic, exploit the Complainant’s reputation, and distribute unauthorized versions of the Instagram application that compete with the official application for commercial gain. Such conduct can never be regarded as a bona fide offering of goods or services under the Policy.

The Respondent argues that the term “instander” is a generic term for a modified application and therefore not an enforceable trademark. The Panel does not accept this contention. As already noted under the first element, “instander” is confusingly similar to the Complainant’s INSTAGRAM and INSTA trademarks. Moreover, the Respondent cannot claim legitimate interests in a domain name that corresponds to a website aimed at goods and services that target a third-party trademark. [WIPO Overview 3.0](#), section 2.10.

The Respondent further attempts to rebut the Complainant's prima facie arguing that the disputed domain name was used to offer an educational application and not for commercial purposes. However, this assertion is contradicted by the evidence in the record. As shown by the Complainant, the website previously displayed commercial advertising banners, and currently invites users to make donations in exchange for a "verification." These activities indicate commercial intent and contradict any claim of legitimate noncommercial use. Panels have consistently held that such conduct does not constitute a bona fide offering of goods or services but rather unfairly exploits the reputation and goodwill associated with the Complainant's trademarks.

Therefore, the Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.4.

Finally, there is no evidence that the Respondent is commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent has not provided relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the Complainant's trademarks significantly predate the Respondent's registration of the disputed domain name. Additionally, the incorporation of the Complainant's trademark in the disputed domain name, along with the content of the corresponding website which makes explicit reference to the Complainant's INSTA and INSTAGRAM trademarks and platform, demonstrates that the Respondent was clearly aware of the Complainant's business and trademarks at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Furthermore, as held by previous Panels, the Respondent's use of the disputed domain name to offer an unauthorized software version of the Complainant's application disrupts the Complainant's business, which amounts to bad faith. The Respondent's use of the Complainant's INSTA and INSTAGRAM trademarks, together with logos and visual elements imitating the Complainant's trademarks' distinctive elements and color scheme, further confirms that the Respondent has deliberately targeted the Complainant's trademarks to create an impression of association with the Complainant. In the Panel's view, the Respondent has intentionally sought to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the website or the products offered thereon. Pursuant to paragraph 4(b)(iv) of the Policy, such conduct constitutes evidence of registration and use of the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

As to the issue of use, the Respondent contends that the disputed domain name includes a disclaimer, together with Terms and Conditions, a Privacy Policy, and a DMCA Policy. However, the disclaimer merely states that the content provided on the website is offered "in good faith for general purposes only," disclaims liability for losses or damages, notes lack of control over external links, and advises users to review third-

party terms. It does not contain any clear statement of the absence of a relationship with the Complainant. Moreover, even if such a disclaimer had been present, it would not have been sufficient to cure the Respondent's illegitimate use of the disputed domain name. [WIPO Overview 3.0](#), section 3.7.

Finally, the Panel notes that the website to which the disputed domain name resolves contained commercial advertising banners, generating click-through revenue for the Respondent. This further demonstrates that the Respondent has used the disputed domain name to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's INSTA and INSTAGRAM trademarks.

Accordingly, the Panel concludes that the Respondent has intentionally sought to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's INSTA and INSTAGRAM trademarks as to source, sponsorship, affiliation, or endorsement. This constitutes bad faith under the Policy. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that, in the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of paragraph 4(b)(iv) of 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 <instanderlive.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: August 19, 2025