

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Jamal Hosseini
Case No. D2025-2546

1. The Parties

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

The Respondent is Jamal Hosseini, Armenia.

2. The Domain Names and Registrars

The disputed domain name <betterinsta.com> is registered with Key-Systems GmbH.

The disputed domain name <shotinsta.com> is registered with CSL Computer Service Langenbach GmbH dba Joker.com (altogether the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 30, 2025. On July 1, 2025, the Center transmitted by email to the Registrar CSL Computer Service Langenbach GmbH dba Joker.com a request for registrar verification in connection with the disputed domain name <shotinsta.com>. On July 2, 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 (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 11, 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 22, 2025, requesting to include the additional domain name <betterinsta.com> into the current proceeding. On July 23, 2025, the Center transmitted by email to the Registrar Key-Systems GmbH a request for registrar verification in connection with the disputed domain name <betterinsta.com>. On July 24, 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 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 18, 2025.

The Center appointed Meera Chature Sankhari as the sole panelist in this matter on August 21, 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 world-renowned online photo and video-sharing social-networking service and mobile application, launched in 2010. Since its acquisition in 2012 by Facebook, Inc., the Complainant asserts that the platform has grown to over two billion monthly active users worldwide. The Complainant further asserts that Instagram has consistently ranked among the top "apps" for mobile devices, and has received numerous accolades, including Apple Inc.'s "App of the Year" in 2011. The Complainant further claims that according to Forbes, Instagram is currently the second most downloaded app worldwide.

The Complainant has obtained trademark registrations for the marks, inter alia, INSTAGRAM and INSTA in numerous jurisdictions worldwide. For instance, the Complainant holds a registration for the word mark INSTAGRAM in the United States of America bearing Regn. No. 4146057, registered on May 22, 2012, and Regn. No. 398684, registered on April 23, 2018, in Pakistan; and for the word mark INSTA bearing Regn. No. 5061916, registered on October 18, 2016, in the United States of America and Regn. No. 4789526, registered on December 21, 2020, in India.

The Complainant is the registrant of numerous domain names that consist of, or incorporate, the Complainant's trademarks, including <instagram.com>, <instagram.pro>, and others.

The disputed domain names <shotinsta.com> and <betterinsta.com> are registered by the Respondent on September 18, 2023, and February 6, 2022, respectively. The disputed domain names are registered with two separate Registrars. The disputed domain name <shotinsta.com> was active and in its "about us" page, inter alia, claimed to be a "versatile Instagram content download tool and an engaging online magazine". The disputed domain name <betterinsta.com> pointed to a default webpage from the webhost Plesk advertising its services.

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 names wholly incorporate the Complainant's trademark INSTA, preceded by generic terms, "shot" and "better". The Complainant further argues that the disputed domain names are composed of the dominant element of its INSTAGRAM Trademark, "INSTA" (a short for Instagram), hence, the disputed domain names are confusingly similar to their trademarks. The Complainant alleges that the inclusion of the terms "shot" and "better" are insufficient to dispel the confusion between the Complainant's INSTAGRAM trademarks and the disputed domain names.

The Complainant alleges that the Respondent is neither licensed nor authorized in any way to use its INSTAGRAM trademarks. The Complainant further alleges that the formulation of the dispute domain

names, coupled with its website content, are specifically targeting the Complainant and its Instagram platform. Regarding <shotinsta.com>, the Complainant asserts that the disputed domain name makes prominent use of the Complainant's trademarks as well as its design trademark, to offer purported Instagram content downloader services. The Complainant also notes that <shotinsta.com> lacks a clear disclaimer disclosing the absence of any affiliation with the Instagram platform particularly given that it forms a part of the Terms of Service page and the users, according to the Complainant, are unlikely to navigate to and review the Respondent's Terms of Service page and are likely to miss this disclaimer. The disputed domain name <betterinsta.com> directs to a default webpage from the webhost, however Internet archive from 2022, according to the Complainant, indicates that it previously hosted an Arabic-language downloader tool targeting the Complainant's Instagram platform. The Complainant argues that both the disputed domain names are a violation of its platform's Terms of Use that are applicable to all its users. The Complainant highlighted the specific Terms of Use that prohibit the use of the Complainant's trademarks, except in the manner permitted through their Brand Guidelines, link to which is contained in the Terms of Use. Thus, the Complainant alleges, the Respondent lacks rights or legitimate interests in both disputed domain names.

The Complainant asserts that, given the global recognition of its INSTAGRAM trademark, it is inconceivable that the Respondent was unaware of its existence. The Complainant further contends that the Respondent's current and former website content that connects with the Complainant's trademarks and services, suggests opportunistic bad faith. The Complainant alleges that the Respondent's use of the INSTAGRAM trademark within the disputed domain names is intended to mislead Internet users by creating a likelihood of confusion, as to the source, thereby attracting traffic and deriving commercial gain, constituting bad faith. Additionally, Complainant alleges that the Respondent's content downloader services promoted via <shotinsta.com> may be used for illegal activities. The Complainant further states that despite numerous Cease and Desist letters by its counsel demanding the cessation of all unauthorized use of Complainant's INSTAGRAM trademark, the Respondent failed to comply, further evidencing bad faith. Finally, the Complainant submits that the Respondent's use of proxy services to conceal its identity constitutes an additional indicator of bad faith.

B. Respondent

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

6. Discussion and Findings

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 Complainant's registered INSTA trademark is reproduced within the disputed domain name. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "shot" and "better", respectively 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 names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Regarding <shotinsta.com>, the Panel concurs with the Complainant’s assertions that the disputed domain name makes prominent use of the Complainant’s trademarks as well as its design trademark and offer unauthorized Instagram content downloader services. The Panel also concurs with the Complainant that the users are likely to miss the disclaimer forming a part of the Terms of Service page of the Respondent. The disputed domain name <betterinsta.com> which directed to a default webpage from the webhost, however Internet archive from 2022, according to the Complainant, indicates that it previously hosted an Arabic-language downloader tool targeting the Complainant’s Instagram platform. All these actions are clearly guided attempts by the Respondent to give the impressions of affiliation with the Complainant, when none exists.

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 Respondent is attempting to exploit the Complainant’s trademark for commercial gain and to mislead Internet users by creating a likelihood of confusion regarding the origin of its website and purported services.

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 this case, there is no doubt that the Respondent was aware of the Complainant, its services and trademark at the time of registering the disputed domain names. This is clear from their use of identical INSTA marks while securing the disputed domain names registrations, through the reproduction of the Complainant’s device marks on their website as well as through their repeated references to the Complainant’s INSTAGRAM and/or INSTA marks while offering the content downloading services for e.g. “your go-to destination for a versatile Instagram content download tool” and “most dependable and simple-to-use Instagram content download tools is our very own Shotinsta tool”. Most importantly, despite the Complainant’s repeated demands, through their cease & desist notices, the Respondent did not respond and

also failed to take reasonable steps to resolve the dispute, which further demonstrates that the Respondent acted in bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition and the prior use of the disputed domain name <betterinsta.com>, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Panels have held that under the paragraph 4(b)(iv) of the Policy, a respondent's use of a domain name to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the complainant's mark constitutes evidence of a respondent's bad faith. [WIPO Overview 3.0](#), section 3.1. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name <shotinsta.com> constitutes bad faith under the 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 names <betterinsta.com> and <shotinsta.com> be transferred to the Complainant.

/Meera Chature Sankhari/

Meera Chature Sankhari

Sole Panelist

Date: September 4, 2025