

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Malik Zikirya
Case No. D2025-2561

1. The Parties

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

The Respondent is Malik Zikirya, Pakistan.

2. The Domain Names and Registrar

The disputed domain names <instaproapke.com> and <instaproapke.pro> (the "Disputed Domain Names") are registered with Name.com, Inc. (the "Registrar").

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 a request for registrar verification in connection with the Disputed Domain Names. On the same day, 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 sent an email communication to the Complainant on July 2, 2025, providing the additional registrant contact information disclosed by the Registrar.

The Center verified that 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 July 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 24, 2025.

The Center appointed Mariia Koval as the sole panelist in this matter on July 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 is an American company which operates the “Instagram” social networking service, which enables its users to create their own personal profiles, post photos and videos, and connect with each other on their mobile devices. Since its launch in 2010, Instagram has rapidly acquired and developed considerable goodwill and renown worldwide. Acquired by Meta Platforms, Inc. in 2012, the Complainant is today one of the world’s fastest growing photo and video sharing and editing software and online social network, with more than 2 billion monthly active accounts worldwide. Instagram has consistently ranked among the top “apps” for mobile devices, including for iOS and Android operating systems. Instagram has been the recipient of numerous awards, including “App of the Year” in 2011 from Apple Inc. Instagram is currently the second most downloaded app worldwide, according to Forbes.

The Complainant is the owner of a number of INSTAGRAM and INSTA trademark registrations (collectively, the “INSTA Trademarks”) throughout the world, among which are:

- International Trademark Registration No. 1129314 for INSTAGRAM, registered on March 15, 2012, in respect of goods and services in classes 9 and 42;
- United States Registration No. 4146057 for INSTAGRAM, registered on May 22, 2012, in respect of goods in class 9;
- European Union Trade Mark No. 014493886 for INSTAGRAM, registered on December 24, 2015, in respect of goods and services in classes 25, 35, 38, 41, and 45;
- United States Registration No. 5061916 for INSTA, registered on October 18, 2016, in respect of goods in class 9;
- European Union Trade Mark No. 014810535 for INSTA, registered on May 23, 2018, in respect of goods in class 9.

The Complainant operates, among others, the domain names <instagram.com> (registered on June 4, 2004), <instagram.net> (registered on November 6, 2010), <instagram.org> (registered on May 10, 2015) and others, reflecting its INSTA Trademarks for providing its social network services and support to the users. The Complainant has also made substantial investments to develop a strong presence online by being active on various social media platforms, including Facebook, X (formerly Twitter), and LinkedIn. For instance, Instagram’s official Facebook page has over 61 million Facebook “likes” and over 33 million followers on X.

The Disputed Domain Names were registered on November 12, 2024. As at the date of this Decision, the Disputed Domain Name <instaproapke.com> resolves to inactive website. However, according to the evidence presented by the Complainant (Annex 9 to the Complaint), at the date the Complaint was filed this Disputed Domain Name resolved to website offering putative modified mobile application services and containing a logo that is nearly identical to the Complainant’s INSTA Trademarks and trade dress. As at the dates of filing of the Complaint and this Decision, the Disputed Domain Name <instaproapke.pro> resolves to a parked webpage, containing different pay-per-click (“PPC”) links to third-party websites.

In November and December 2024, the Complainant’s agents sent to the Respondent (through the webform provided by the Registrar) enforcement correspondence (Annex 18 to the Complaint) demanding that the Respondent cease all unauthorized use of its INSTA Trademarks and transfer the Disputed Domain Name <instaproapke.com> to the Complainant. No response has been 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 Names.

Notably, the Complainant contends that the Disputed Domain Names are confusingly similar to the Complainant's INSTA Trademarks since the Disputed Domain Names reproduce the Complainant's INSTA Trademarks in their entirety with the addition of the generic terms "pro" and "apk", and the letter "e". These added terms and letter do not prevent a finding of confusing similarity between the Complainant's INSTA Trademarks and the Disputed Domain Names.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names in view of the following:

- there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Names;
- the Respondent's use of the Disputed Domain Names does not suggest in any reasonable way that the Respondent is commonly known by the Disputed Domain Names, nor does it give rise to any reputation in the Disputed Domain Names themselves;
- to the best of the Complainant's knowledge, the Respondent has not acquired or applied for a trademark registration for "INSTA PRO APK E" or "INSTA PRO APK", nor any variation thereof as reflected in the Disputed Domain Names;
- the Respondent is neither a licensee of the Complainant nor is he affiliated with the Complainant in any way;
- the Complainant has not granted any authorization to the Respondent to make use of its INSTA Trademarks, in the Disputed Domain Names or otherwise;
- the Respondent has configured the Disputed Domain Name <instaproapke.com> to resolve to content that specifically targets the Complainant by offering unauthorized modified versions of the Complainant's Instagram application, whilst making prominent use of the Complainant's INSTA Trademarks;
- the Respondent does not prominently disclose their lack of relationship with the Complainant: the Respondent does not mention the Complainant at any point, except to refer to its own services as "the extended version of Instagram";
- the website content displayed under the Disputed Domain Name <instaproapke.pro> features PPC links related to the Complainant's services, such as "Productivity with AI" and "AI Image Creators", in an attempt to trade off the goodwill of the Complainant.

The Complainant further contends that the Respondent registered and is using the Disputed Domain Names in bad faith based on the following. The Complainant's INSTA Trademarks are inherently distinctive and well-known throughout the world (including in Pakistan where the Respondent is allegedly located) and has been continuously and extensively used by the Complainant since 2010. All search results obtained by typing the term "Instagram" into the Google search engine refer to the Complainant. Search results in Google for the term "Insta", also bring back results primarily related to the Complainant. It is therefore inconceivable for the Respondent to argue that he was not aware of the Complainant's INSTA Trademarks when he registered the Disputed Domain Names.

Moreover, the Disputed Domain Name <instaproapke.com> and the Respondent's website content are so obviously connected with the Complainant and its INSTA Trademarks and services that such very use by the Respondent, who has no connection to the Complainant, suggests opportunistic bad faith. Given the composition of both Disputed Domain Names, and noting the nature of the Respondent's website under the Disputed Domain Name <instaproapke.com>, Internet users are likely to believe that the Respondent's website, along with the modified unauthorized "Insta Pro Apk" application promoted therein, are affiliated with or somehow endorsed by the Complainant. In addition, the Respondent's modified application promoted via the Disputed Domain Name <instaproapke.com> may be used to spread malware, to enable spam, to

harvest personal data from the Complainant's platform, to steal users' account credentials, or for other illegal activities. Such use places the security of Instagram users at risk.

Furthermore, the Respondent's website content under the Disputed Domain Name <instaproapke.pro> features PPC links related to services offered in competition to the Complainant like "AI Image Creators" and "Productivity with AI" an attempt to trade off the goodwill of the Complainant, which constitute additional evidence of bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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 was 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 Disputed Domain Names completely reproduce the Complainant's INSTA Trademarks in combination with the words "pro" and "apk", the letter "e", and the generic Top-Level Domains ("gTLD") ".com" and ".pro". According to [WIPO Overview 3.0](#), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. In this case, the addition of the terms "pro" and "apk" and letter "e" to the INSTA Trademarks does not prevent a finding of confusing similarity.

Also, in accordance with [WIPO Overview 3.0](#), section 1.11.1, the applicable gTLD in a domain name (such as, ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Pursuant to [WIPO Overview 3.0](#), section 1.7, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing.

Accordingly, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant's INSTA Trademarks pursuant to paragraph 4(a)(i) of the Policy.

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.

The Panel concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s INSTA Trademarks. Moreover, there is no element from which the Panel could infer the Respondent’s right over the Disputed Domain Names, or that the Respondent might be commonly known by the Disputed Domain Names.

In accordance with [WIPO Overview 3.0](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Names – reproducing the entirety of the INSTA Trademarks, along with the terms “pro” and “apk” and letter “e” – carries a risk of implied affiliation with the Complainant.

The Panel notes that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the INSTA Trademarks of the Complainant. The Disputed Domain Name <instaproapke.com> has been previously used to promote and offer the modified unauthorized “Insta Pro Apk” version. Moreover, the Respondent extensively used the Complainant’s INSTA Trademarks, including its design trademark; the favicon featured a logo that is almost identical to the Complainant’s INSTAGRAM design trademark, and the website’s content copied the Complainant’s trade dress, notably incorporating its official color gradient. The Panel also notes that the website under this Disputed Domain Name <instaproapke.com> contained the following disclaimer “Insta Pro Apk is the extended version of Instagram, which facilitates users to download any image or video from the app.” The Panel finds that the website did not accurately and prominently disclose its relationship with the Complainant. Thus, it is more than likely that Internet users could be confused as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. Indeed, the content of the Respondent’s website under the Disputed Domain Name <instaproapke.com> appeared to be designed to generate the impression to be visiting one of the Complainant’s website or its affiliated entities.

The Disputed Domain Name <instaproapke.pro> is used to resolve to website with PPC links to third-party websites, including a link to websites with competitive services related to the Complainant. In accordance with [WIPO Overview 3.0](#), section 2.9, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users. Therefore, such use of this Disputed Domain Name by the Respondent does not amount to a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Respondent did not file any response to the Complaint and did not participate in these proceedings, as such, the Respondent did not present any evidence supporting any rights or legitimate interests in the Disputed Domain Names.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

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 concludes that the Disputed Domain Names were registered and are being used in bad faith in view of the following. The Complainant obtained the registration of the INSTA Trademarks more than 10 years earlier than the Respondent registered the Disputed Domain Names in 2024. Taking into account all circumstances of this case, the Panel finds that the Respondent was very well aware of the Complainant's business and its INSTA Trademarks when registering the confusingly similar Disputed Domain Names that completely incorporate the Complainant's INSTA Trademarks. The addition of the terms "pro" and "apk" and letter "e" to the Complainant's INSTA Trademarks in the Disputed Domain Names, is further evidence, that the Respondent was very well aware of the Complainant's INSTA Trademarks and business at the time of registration of the Disputed Domain Names and has done so for the only purpose of creating an impression that the Disputed Domain Names are connected with the Complainant's INSTA Trademarks. The Panel considers it is obviously bad faith that the Respondent deliberately chose the Disputed Domain Names to create a likelihood of confusion with the Complainant's INSTA Trademarks.

Moreover, the Respondent's knowledge of the Complainant's INSTA Trademarks is also supported by the previous use of the Disputed Domain Name <instaproapke.com>, where modified version of the Instagram application was offering to download. Moreover, the website under this Disputed Domain Name contained the Complainant's INSTA Trademarks and logo. In view of the fact that the Disputed Domain Name <instaproapke.com> previously resolved to the website displaying the Complainant's INSTA Trademarks, Internet users would most likely be misled into believing that this Disputed Domain Name is related to or authorized by the Complainant. The mere existence of the disclaimer at the website under the Disputed Domain Name does not cure a finding of bad faith.

Resolving the Disputed Domain Name <instaproapke.pro> to a typical PPC website showing a variety of hyperlinks to third-party websites, for a likely purpose of generating PPC revenue, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's INSTA Trademarks as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of this Disputed Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

According to section 3.1.4 of the [WIPO Overview 3.0](#), UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is of the opinion that it is clear that the Respondent, having registered and used the Disputed Domain Names, which are confusingly similar to the Complainant's widely-known INSTA Trademarks, intended to disrupt the Complainant's business and confuse Internet users seeking or expecting the Complainant's website. In view of the absence of any evidence to the contrary and the fact that the Respondent did not file any response to these proceedings, the Panel concludes that the Respondent has registered and is using the Disputed Domain Names in bad faith.

In view of the foregoing, the Panel finds that the paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Names were registered and are being used in bad faith.

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 <instaproapke.com> and <instaproapke.pro> be transferred to the Complainant.

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: August 11, 2025