

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Anupam Bhise

Case No. D2025-2563

### **1. The Parties**

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

The Respondent is Anupam Bhise, India.

### **2. The Domain Name and Registrar**

The disputed domain name <saveinstareel.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 1, 2025. On July 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 1, 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 (Registration Private Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 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 July 7, 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 July 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent sent email communications to the Center on July 7, 10, and 15, 2025.

The Center appointed Elise Dufour 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 operating a world-renowned online photo- and video-sharing social-networking service and mobile application, Instagram, and was acquired in 2012 by Facebook, Inc. (now Meta Platforms, Inc.).

The Complainant has more than two billion monthly active accounts worldwide. The Instagram application has consistently ranked among the top mobile applications for iOS and Android and has received numerous awards, including Apple's "App of the Year" in 2011; it is currently the second most downloaded app worldwide, according to Forbes.

The term "Insta" is commonly used to refer to Instagram.

The Complainant has made substantial investments to develop a strong online presence through various social media platforms, including Facebook, X (formerly known as Twitter), and LinkedIn. The Complainant's Facebook page has over 61 million "likes", and it has over 33 million followers on X.

In August 2020, Instagram introduced "Instagram Reels," a feature allowing users to create and share short, multi-clip videos with audio and visual effects.

The Complainant is the owner of numerous trademark registrations incorporating INSTAGRAM and INSTA in many jurisdictions around the world. Such trademark registrations include but are not limited to:

- United States trademark registration No. 5061916, INSTA, registered on October 18, 2016, for goods in international class 9;
- European Union Trade Mark registration No. 018359602, INSTA, registered on February 9, 2023, for goods in international classes 9, 35, 38, 41, 42, 45;
- United States trademark registration No. 4146057, INSTAGRAM, registered on May 22, 2012, for goods in international class 9;
- International Trade Mark registration No. 1129314, INSTAGRAM, registered on March 15, 2012, for goods and services in international classes 9 and 42; and

The disputed domain name was registered on January 5, 2025, and resolved to a website titled "Instagram Video Downloader" that purported to offer a tool for downloading content from the Complainant's Instagram platform, including videos, reels, photos and stories.

On January 10, 2025, the Complainant's lawyers submitted a notice to the Respondent via the Registrar's registrant contact form. No response was received.

As at the date of filing the Complaint, the disputed domain name resolved to an inactive webpage.

#### **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 the INSTA and INSTAGRAM trade marks in which the Complainant has rights. It wholly incorporates the Complainant's INSTA mark, merely adding the descriptive term "save" and the term "reel," which directly references Instagram's well-known "Reels" feature. Under the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), sections 1.7 and 1.8, such additions do not prevent a finding of

confusing similarity; the generic Top-Level Domain ("gTLD") ".com" is disregarded ([WIPO Overview 3.0](#), section 1.11.1).

- The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a licensee of, nor otherwise affiliated with, the Complainant, and there is no evidence that the Respondent is commonly known by the disputed domain name or holds any relevant trade mark rights (per Annex 10). The composition of the disputed domain name, together with the site's content, creates a risk of implied affiliation by targeting the Complainant's platform, services, and users and by prominently using the Complainant's marks and Instagram's distinctive color gradient trade dress.
- The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor making a legitimate noncommercial or fair use. Any potential reliance on the Oki Data criteria is unavailable here because the Complainant's Terms of Use, Meta Developer Policies, and Brand Guidelines expressly prohibit use or registration of the Complainant's marks in a domain name. In any event, the Respondent fails key Oki Data factors: the site lacks an accurate and prominent disclosure of the absence of any relationship; and it trades on the Complainant's goodwill through ad-laden pages and an unauthorized Instagram downloader.
- The disputed domain name was registered and is being used in bad faith. The INSTAGRAM and INSTA marks are inherently distinctive and globally well known; searches for "Instagram" (and largely for "Insta") point to the Complainant, making it inconceivable that the Respondent lacked knowledge at registration (January 2025, when Instagram had roughly two billion users). The website misappropriates the Instagram color gradient, repeatedly references the Complainant's marks and app, lacks any disclaimer, and promotes an unauthorized "SaveINSTAree" tool – conduct intended to attract users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement under paragraph 4(b)(iv) of the Policy. The heavy use of pay-per-click ("PPC")/pop-up ads further evidences commercial intent; potential security and privacy risks associated with such downloaders underscore bad-faith use. The Respondent ignored cease-and-desist correspondence, and the use of a privacy/proxy service supports an inference of bad faith when considered with the other circumstances.

On this basis, the Complainant submits that all three elements of paragraph 4(a) of the Policy are met and requests transfer of the disputed domain name.

## **B. Respondent**

The Respondent contended initially that he registered the disputed domain name for a legitimate purpose – providing a tool to save public Instagram videos for personal use, which he characterizes as a common and lawful practice.

Then the Respondent stated that he did not wish to contest the Complaint, consented to a voluntary surrender/transfer of the disputed domain name to the Complainant, and requested guidance on the steps or any further information needed to effect the transfer.

The Respondent then informed the Center that he has ceased all activity related to the disputed domain name, taken the site offline, and had no intention to continue using or retaining the domain. He asked to withdraw from the administrative proceeding and reiterated his willingness to transfer the disputed domain name to resolve the matter amicably.

## 6. Discussion and Findings

### A. Consent to Transfer

As noted above, in its informal communications the Respondent agreed to transfer the disputed domain name to the Complainant. The Panel must therefore determine whether that consent, standing alone, suffices to order a transfer, or whether the circumstances warrant a reasoned decision on the merits.

Section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) addresses decisions based on respondent consent. Where the parties have not settled through the standard settlement route but the respondent has put on record its consent to the requested remedy (transfer or cancellation), many panels will grant that remedy on the strength of the consent, effectively giving effect to the parties’ understood agreement (whether viewed as a deemed admission or a no-fault resolution).

That said, panels retain discretion to proceed to a full merits decision despite such consent. Situations where this may be appropriate include: (i) where there is a broader interest in issuing a reasoned decision – e.g., in light of paragraph 4(b)(ii) of the Policy concerning a pattern of bad-faith conduct; (ii) where the respondent consents to transfer but expressly denies bad faith; (iii) where the complainant declines to accept a consent transfer and prefers a recorded decision; (iv) where the scope of the respondent’s consent is unclear; or (v) where the panel wishes to confirm that the complainant has established relevant trademark rights.

Having considered the facts of this case, the Panel concludes that a substantive decision is appropriate for the following reasons:

1. The Respondent has not admitted the three elements under paragraph 4(a) of the Policy and, in particular, denies bad-faith registration and use.
2. The Complainant has not accepted a consent transfer and instead requested that the proceeding continue.
3. There is a legitimate interest in issuing a reasoned decision that may inform future UDRP panels, especially given the use of the disputed domain name for a site offering services related to the Complainant’s own (see *Patriot Supply Store, Inc., d/b/a My Patriot Supply v. Domain May be for Sale, Check Afternic.Com Domain Admin, Domain Registries Foundation*, WIPO Case No. [D2016-1573](#)).

Accordingly, the Panel will proceed to determine the case on the merits.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.” Paragraph 4(a) of the Policy requires the Complainant to prove:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent lacks rights or legitimate interests in the domain name; and
- (iii) the domain name was registered and is being used in bad faith.

### B. 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced 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.

Although the addition of other terms, here “save” and “reel”, 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 trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that “.com”, as a gTLD, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant’s trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that the first element of the Policy has been established.

### **C. 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.

On the present record, the Panel is satisfied that the Complainant has made out a *prima facie* showing that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not overcome this showing and has provided no evidence of any rights or legitimate interests of the sort contemplated by the Policy or otherwise. Rather, after notice of the dispute, the Respondent shut down its website and indicated it no longer had an interest in the disputed domain name.

There is no indication of any relationship between the Parties; the Respondent is not a licensee of the Complainant and has not been authorized to use the Complainant’s INSTA mark. Nor is there any basis to conclude that the Respondent is commonly known by the disputed domain name or otherwise holds a legitimate interest in it.

The site to which the disputed domain name formerly resolved offered services without the Complainant’s authorization, while expressly referring to the Complainant and its trademark, thereby falsely suggesting an affiliation. The similarity between the disputed domain name, the associated website, and the Complainant’s mark appears intended to mislead users into believing the site is sponsored by the Complainant. Such use does not qualify as a *bona fide* offering of goods or services, nor as legitimate noncommercial or fair use.

For these reasons, the Panel finds that the second element of the Policy is established.

### **D. 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 considers it implausible that the Respondent was unaware of the Complainant or its INSTAGRAM or INSTA trademarks when registering the disputed domain name. The INSTAGRAM trademark, which abbreviation is INSTA, is widely recognized and has been embedded in everyday life for well over a decade. By the time of registration, Instagram's application already counted billions of users worldwide, making ignorance of the mark highly unlikely.

The Respondent's choice to combine the additional terms "save" and "reel" further underscores this awareness. "Reels" are a well-known Instagram feature, and "save" directly evokes the functionality of downloading Instagram content – both pointing squarely to the Complainant's ecosystem.

The historical content of the website to which the disputed domain name resolved removes any doubt: it purported to provide a free tool to access content on Instagram – specifically posts and reels – and to save such content locally. Furthermore, the Respondent chose a website content displaying a color gradient identical to Complainant's iconic Instagram colour gradient trade dress (transitioning from a dark purple and pink to a lighter orange and yellow) to achieve a similar look and feel. This use constitutes *prima facie* evidence of bad-faith use: the Respondent employed a confusingly similar domain name to draw in users expecting an affiliation with the Complainant, conduct that falls within paragraph 4(b)(iv) of the Policy.

That the disputed domain name is now passively held does not change the analysis. Given the fame of the mark, the composition of the disputed domain name, and the prior use described above, passive holding does not prevent a finding of bad faith (see [WIPO Overview 3.0](#), section 3.3).

Accordingly, the Panel finds that the disputed domain name was both registered and used in bad faith, and 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 <saveinstareel.com> be transferred to the Complainant.

*/Elise Dufour/  
Elise Dufour  
Sole Panelist  
Date: August 19, 2025*