

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Baidar Bakht

Case No. D2025-2564

### **1. The Parties**

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

1.2 The Respondent is Baidar Bakht, Pakistan (the “Respondent”).

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

2.1 The disputed domain name <instaproapkdownload.org> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

3.1 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 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 (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 July 2, 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 8, 2025.

3.2 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”).

3.3 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 did not submit any response. Accordingly, the Center notified the Respondent’s default on July 30, 2025.

3.4 The Center appointed Ike Ehiribe as the sole panelist in this matter on August 11, 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**

4.1 The Complainant in this proceeding is a corporation based in the United States of America with its principal place of business in California, United State of America. The Complainant is self-described as a world-renowned online photo and video-sharing social networking service and mobile application launched in 2010. The Complainant has more than two-billion monthly active accounts world-wide and has consistently ranked among the top “apps” for mobile devices, including for iOS and Android operating systems. The Complainant has been the recipient of numerous awards including “App of the Year” in 2011 from Apple, Inc. The Complainant’s domain names consisting of its trademarks are not only at the core of its business but are also a primary way for its users worldwide to enjoy and make the most of the Complainant’s services. Thus, the Complainant is the registrant of numerous domain names consisting of or including the INSTAGRAM and INSTA trademarks under a wide range of generic and country code Top-Level Domains (respectively “gTLDs” and “ccTLDs”). The Complainant also owns numerous trademark registrations for INSTAGRAM, INSTA, IG, and various other stylised and design marks in many jurisdictions throughout the world, including:

- United States of America trademark registration number 4146057 for INSTAGRAM, registered on May 22, 2012;
- Pakistan trademark registration number 398684 for INSTAGRAM, registered on April 23, 2018; and
- India trademark registration number 4789526 for INSTA, registered on May 30, 2021.

4.2 The Respondent, according to the Registrar confirmed contact details, is Baidar Bakht who is said to be based in the Punjab region of Pakistan. The Disputed Domain Name was registered on November 21, 2024.

#### **5. Parties’ Contentions**

##### **A. Complainant**

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

5.2 Notably, the Complainant contends that they own several well-established and registered rights in the INSTA trademark and therefore the mere addition of generic terms such as “pro” (an abbreviation for “professional”), “apk” (an acronym for “android package”), and “download” is insufficient to dispel the ensuing confusing similarity between the Complainant’s well-known and distinctive INSTA and INSTAGRAM trademarks and the Disputed Domain Name. It is further submitted that the generic terms are only likely to enhance user confusion because of a suggested connection to the Complainant’s products or services and that previous UDRP Panels have found similarly composed domain names to be confusingly similar to the Complainant’s trademark. See *Instagram LLC, v. Ozgur Kalyoncu Seo Master/Huseyin Erdem*, WIPO Case No. [D2016-1710](#). In addition, it is contended that the gTLD, in this case “.org” may be disregarded when conducting a confusing similarity enquiry as it is regarded as a standard registration requirement.

5.3 The Complainant submits that the Respondent has no rights nor legitimate interests in the Disputed Domain Name since there is no evidence that the Respondent is commonly known by the Disputed Domain Name nor is the Respondent a licensee of the Complaint or affiliated in any way with the Complainant or authorised by the Complainant to make use of any INSTAGRAM trademarks in a domain name, in a mobile app, in the use of its logos on the website. It is further submitted that previous UDRP panels have found in relation to the composition of a domain name itself, it cannot constitute fair use where a Respondent

effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), Section 2.5.1. Furthermore, it is said that the Disputed Domain Name falsely characterises the Respondent as a professional version of the Complainant's Instagram platform available for download as an Android Package, therefore the formulation of the Disputed Domain Name together with the Respondent's website content specifically targeting the Complainant suggests there is a high risk of implied affiliation with the Complainant. This implied affiliation it is said cannot constitute legitimate or noncommercial fair use under the Policy.

5.4 It is further submitted that it is impossible for the Respondent to claim that it is providing bona fide services as understood within the Oki Data test considering that the Respondent uses the Complainant's famous trademarks in clear violation of the prohibitions expressly set out in the Complainant's Terms of Use stating: "You can only use our intellectual property and trademarks or similar marks as expressly permitted by our Brand Guidelines or with our prior written permission." The Complainant contends this analysis is supported by [WIPO Overview 3.0](#), section 2.8 and *Instagram, LLC v. Privacy Service provided by Withheld for Privacy elf/Fan Reap*, WIPO Case No [D2022-1225](#).

5.5 On the question of bad faith registration and use, the Complainant has outlined a number of factors which it is said suggest that the Respondent registered the Disputed Domain Name in bad faith and has continued with bad faith use. Firstly, it is submitted that since the Complainant's INSTAGRAM and INSTA trademarks are highly distinctive and all Google online searches return search results associated with the Complainant, it is inconceivable for the Respondent to contend that they were not aware of the Complainant's INSTAGRAM and INSTA trademarks when they elected to create the Disputed Domain Name in November 2024. Secondly, it is argued that the Respondent's choice of a domain name that so closely resembles the Complainant's INSTAGRAM trademark to promote an unauthorised service, thereby taking advantage of the Complainant's trademark for commercial gain, is further evidence of bad faith under the Policy. See *Instagram LLC v. Huzaiifa Dhapai*, WIPO Case [D2023-1448](#). Thirdly, it is stated that given the composition of the Disputed Domain Name and the nature of the Respondent's website, Internet users are likely to believe that the Respondent's website along with the modified unauthorized "Insta Pro" application promoted thereat, are affiliated with or somehow endorsed by Complainant. This is more the case as the website to which the Disputed Domain Name resolves does not contain a disclaimer, instead, the website displays language that could mislead consumers into believing that the website is affiliated and or endorsed by the Complainant. Fourthly, it is stated that the Disputed Domain Name has been flagged by an independent cybersecurity vendor as being malicious in connection with malware. Fifthly, it is stated that the Respondent refused to respond to cease and desist letters dispatched to it by the Complainant which, as held by previous UDRP panels, suggests that the Respondent is aware that the Disputed Domain Name has been registered and is being used in bad faith. Sixthly, reference is also made to the Respondent's reliance on a proxy service which suggests an attempt to prevent possible notification of a UDRP proceeding or contact by the Complainant as further evidence of bad faith use when combined with other evidence of evasive and/or illegal conduct as perpetrated by the Respondent.

## **B. Respondent**

5.6 The Respondent did not reply to the Complainant's contentions and therefore the Panel shall draw such adverse inferences from the Respondent's failure to respond as may be deemed appropriate

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

6.1 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.

6.2 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.

6.3 The entirety of the mark INSTA 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.

6.4 Although the addition of other terms such as “pro”, “ask”, and “download” may bear on the 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

6.5 The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

6.6 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.

6.7 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.

6.8 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.

6.9 Moreover, the composition of the Disputed Domain Name, wholly incorporating the Complainant’s well-known trademark with related terms, carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

6.10 The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

6.11 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.

6.12 In the present case, the Panel notes that the Respondent registered the Disputed Domain Name in November 2024 at a time when the Respondent could not credibly claim ignorance of the Complainant’s well-known INSTA and INSTAGRAM trademarks considering that any simple online search would return search results associated with the Complainant. The Panel also observes that the Respondent has engaged in other evasive conduct, such as refusing to respond to cease and desist letters from the Complainant and placing reliance on a proxy service to register the Disputed Domain Name, which, if considered all together with the foregoing, suggest bad faith registration and use.

6.13 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.

6.14 From the Respondent's website it is clear that the Respondent was aware of the Complainant and sought to unfairly benefit by creating a likelihood of confusion with the Complainant's well-known trademarks and falsely suggesting an affiliation with the Complainant. [WIPO Overview 3.0](#), section 3.1.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

6.15 The Panel finds that the Complainant has established the third element of the Policy.

## **7. Decision**

7.1 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 <instaproapkdownload.org> be transferred to the Complainant.

*/Ike Ehiribe/*

**Ike Ehiribe**

Sole Panelist

Date: August 25, 2025