

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Tawfeek Alhadad
Case No. D2025-2578

1. The Parties

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

The Respondent is Tawfeek Alhadad, Yemen.

2. The Domain Name and Registrar

The disputed domain name <instaproup.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 2, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 3, 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 8, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent sent an email communication to the Center on July 11, 2025. The Center sent an email communication to the Parties on July 14, 2025. On July 15, 2025, the Complainant confirmed that they would not like to suspend the Proceedings. Accordingly, the Center notified the Parties of the Commencement of Panel Appointment Process on August 4, 2025.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on August 6, 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 social networking platform created in 2010. The Complainant owns many trademark registrations for INSTA such as:

- United States of America registration No. 5061916 registered on October 18, 2016, and
- European Union registration No. 014810535 registered on May 23, 2018.

The disputed domain name was registered on September 10, 2022, and resolves to a website which claims to offer downloading a modified version of the Complainant's Instagram application.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark. The disputed domain name incorporates the Complainant's INSTA trademark and the letters "pro" and "up", which do not prevent a finding of confusing similarity. The generic Top-Level Domain ("gTLD") ".com" may be disregarded.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its trademark in the disputed domain name nor is the Respondent affiliated with the Complainant. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. The requirements of the Oki Data test (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) are not met in the current case. The Respondent does not provide services for the proper use of the Complainant's product. Instead, it offers downloading an unauthorized APK version of the Complainant's application. The website does not disclose the lack of relationship between the Respondent and the Complainant. The Respondent is not commonly known by the disputed domain name as there is no evidence to suggest so. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Respondent is using the disputed domain name to exploit the goodwill and reputation associated with the Complainant's trademarks by creating a false impression of association with the Complainant. By doing so, the Respondent is misleadingly diverting Internet users to its website.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademarks INSTAGRAM and INSTA are well-known as recognized by prior UDRP panels. The Respondent must have been aware of the Complainant's trademark as the website of the Respondent features modified versions of the Complainant's logo and figurative trademark. The Respondent used a proxy service to hide its identity. The Respondent has been using the disputed domain name to purportedly offer to download an unauthorized APK version of the Complainant's application. There is no disclaimer on the absence of relationship between the Respondent and the Complainant.

B. Respondent

The Respondent did not submit an official response to the Complainant's contentions. Instead, in an email dated July 11, 2025, the Respondent expressed agreement to the transfer of the disputed domain name to the Complainant.

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 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.

Although the addition of other terms here, "pro" and "up" 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 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 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. Instead, upon notice of the dispute, the Respondent agreed to the transfer of the disputed domain name to the Complainant. The Panel infers from this communication that the Respondent does not have any rights or legitimate interests in the disputed domain name, and that the Respondent does not object to the transfer of the disputed domain name to the Complainant.

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 must have been aware of the Complainant's trademark as the disputed domain name was registered many years after the registration of the Complainant's trademark and it directs to a page, which purports to offer for download a modified version of the Complainant's application and displays a modified version of the Complainant's figurative trademark as well as its trademark INSTA.

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.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <instaproup.com> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: August 13, 2025