

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Aarón Izquierdo
Case No. D2025-2687

1. The Parties

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

The Respondent is Aarón Izquierdo, Spain.

2. The Domain Name and Registrar

The disputed domain name <topinstalikes.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 9, 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 (Whois Privacy, Private by Design, LLC) 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 amendment to the Complaint on July 14, 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 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 6, 2025.

The Center appointed Peter Burgstaller as the sole panelist in this matter on August 12, 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. Since its launch in 2010, the Complainant has rapidly acquired and developed considerable goodwill and worldwide renown. Acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012, today the Complainant has more than two billion monthly active accounts worldwide (Annex 4 and 5 to the Complaint).


The Complainant owns numerous trademark registration containing the mark INSTAGRAM or INSTA, inter alia,

- United States of America trademark registration for INSTAGRAM (word), Reg.-No. 4146057, registered May 22, 2012;
- International trademark registration for INSTAGRAM (word), Reg.-No. 1129314, registered March 15, 2012;
- United States of America trademark registration for INSTA (word), Reg.-No. 5061916, registered October 18, 2016;
- European Union trademark registration for INSTA (word), Reg.-No. 018359602, registered February 9, 2023 (Annex 8 to the Complaint).

The Complainant also owns inter alia the following figurative trademark registrations,

- United States of America trademark registration for  (fig.), Reg.-No. 5299119, registered October 3, 2017;
- European Union trademark registration for  (fig.), Reg.-No. 015442502, registered September 21, 2016 (Annex 8 to the Complaint).

The Complainant operates its official website under the domain name <instagram.com> and its mobile application on Google Play Store and Apple App Store (Annex 4 to the Complaint). It further owns numerous domain names consisting of its INSTAGRAM trademark and has developed a strong presence online by being active on various social-media platforms, including Facebook, X (formerly Twitter), and LinkedIn (Annex 6 and 7 to the Complaint).

The disputed domain name was registered on March 7, 2024 (Annex 1 to the Complaint); at the time of filing this Complaint, the disputed domain name resolved to a website showing various social media platforms and their logos (e.g., TikTok, YouTube, Telegram, Twitter/X, Spotify) together with the logo of the Complainant  (Annex 10 to the Complaint).

In January 2025, cease-and-desist letters and takedown notices were sent by the Complainant to the Respondent, the Registrar, and the disputed domain name webhost provider, most of which remained unanswered, except for the notice to the disputed domain name webhost provider who, after notice, disabled the Respondent's website content on January 6, 2025 (Annex 15 to the Complaint).

5. Parties' Contentions


A. Complainant

The Complainant contends that it has satisfied each of the three elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name <topinstalikes.com> is composed of the

Complainant's INSTA trademark in full, which is sandwiched between generic terms "top" and "likes". The addition of these generic terms is not sufficient to dispel the ensuing confusing similarity between the Complainant's well-known and distinctive INSTA and INSTAGRAM trademarks and the disputed domain name. The Complainant's INSTA trademark remains clearly recognizable in the disputed domain name.

Further, the Complainant alleges that the Respondent has no rights nor legitimate interests in the disputed domain name; there is no evidence to suggest that the Respondent is commonly known by the disputed domain name and the Respondent is not a licensee of the Complainant, nor is it affiliated with the Complainant in any way. The Complainant has not authorized the Respondent to make any use of its INSTAGRAM and INSTA trademarks, in a domain name, in the use of its logos on the website, or otherwise. The Respondent has redirected the disputed domain name to the website "www.socialfanzzy.com", where the Respondent sells Instagram likes and followers to users looking to increase their online presence – this cannot constitute fair use where the Respondent effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

The Respondent also uses the Complainant's famous logo  on the website addressed by the disputed domain name and confuses users into believing that the disputed domain name and the Respondent's putative services are approved of, sponsored by, or affiliated with the Complainant, which is not the case. The Respondent moreover is not using the disputed domain name to offer services related to the Complainant's INSTA or INSTAGRAM trademarks only, but also offers similar services for other social media platforms, including the Complainant's competitors, e.g., TikTok, YouTube, Facebook, Twitch, Telegram, Twitter/X, Threads, WhatsApp and Spotify.

Finally, the Complainant contends that because of the fame and distinctiveness of the Complainant and its trademarks INSTA or INSTAGRAM it is inconceivable that the Respondent was not aware of the Complainant and its trademarks at the time of registration of the disputed domain name. In fact, given the content of the Respondent's website which is replete with references to the Complainant, and misappropriates the Complainant's logo, it is all too obvious that the Respondent is deliberately exploiting the Complainant's trademarks in order to lure internet users to the disputed domain name; hence, the Respondent also uses the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name has been 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 submitted evidence which incontestably and conclusively establishes rights in the mark INSTA and INSTAGRAM.

In the present case, the disputed domain name is confusingly similar to the INSTA mark in which the Complainant has rights since it only adds the prefix “top” and the suffix “likes” to the INSTA mark. It has long been established under UDRP decisions that adding terms to a trademark does not prevent a finding of confusing similarity under the first element of the Policy if the relevant trademark remains recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

The Complainant’s famous and well-known trademark INSTA is clearly recognizable in the disputed domain name.

Finally, it has also long been held that generic Top-Level Domains (“gTLDs”) are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 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 Complainant’s trademark INSTA and INSTAGRAM is distinctive and famous; it is inconceivable that the Respondent would not have been aware of it when registering the disputed domain name.

Further, the Complainant expressly denies there being any relationship between itself and the Respondent.

The Complainant also notes that the disputed domain name is not being used for a bona fide offering of goods or services – it resolves to an unauthorized website showing the Complainant’s famous logo  together with the logos of competing social media platform providers, e.g., TikTok, Twitter/X or YouTube. Under the Oki Data test, the Respondent must inter alia accurately and prominently disclose the registrant’s relationship with the trademark holder to show a legitimate use of a trademark as a reseller, distributor, or service provider and must not provide competing services. [WIPO Overview 3.0](#), section 2.8; *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The evidence in the Complaint does not reveal any disclaimer that discloses the Respondent’s relationship with the Complainant, and the Respondent has not introduced any evidence to the contrary. Rather, it appears the Respondent has purposely attempted to create a false association with the Complainant. Moreover, the disputed domain name directs to a website with logos of competing social media platform providers.

Accordingly, the Panel concludes that the Respondent clearly does not comply with the Oki Data test.

The Respondent did not reply to the Complainant’s contentions and a cease-and-desist letter sent by the Complainant to the Respondent remained unanswered; hence, the Respondent has not rebutted the Complainant’s prima facie showing.

Based on the available record, 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 Complainant provided evidence which demonstrates that it has rights and is the owner of the famous and distinctive registered trademarks INSTA and INSTAGRAM, registered and used in many jurisdictions around the world long before the disputed domain name was registered.

Further, the Complainant registered and is using various domain names containing the mark INSTAGRAM e.g., <instagram.com> among others, for many years; the Complainant has also a strong Internet presence on various social media platforms.

It is therefore inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith.

[WIPO Overview 3.0](#), section 3.2.2.

This finding is supported by the fact that the disputed domain name incorporates the Complainant's famous INSTA trademark together with the prefix "top" and suffix "likes" which are descriptive terms closely connected with social media activities.

Finally, the disputed domain name directs Internet users to a website showing the famous Complainant's logo , together with competing services, which clearly disrupts the Complainant's business and intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark which constitutes bad faith use.

Based on the available record, 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 <topinstalikes.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: August 26, 2025