

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Tran Thanh Hung
Case No. D2025-3030

1. The Parties

The Complainant is Instagram, LLC, United States of America ("United States"), represented by Perkins Coie, United States.

The Respondent is Tran Thanh Hung, Viet Nam.

2. The Domain Names and Registrar

The disputed domain names <instagram-story-downloader.com> and <instaviewer.co> are registered with Eranet International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 29, 2025. On July 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <instagram-story-downloader.com>. On July 31, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 31, 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 August 6, 2025, in which it added the disputed domain name <instaviewer.co> to the dispute. On August 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <instaviewer.co>. On August 12, 2025, the Registrar transmitted by email its verification response, confirming that both disputed domain names were registered by the same registrant.

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 August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 3, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on September 10, 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 offers its world-renowned online photo- and video-sharing social-networking service and mobile application under the name "Instagram", which has more than two billion monthly active accounts worldwide and has consistently ranked among the top apps for mobile devices. The Complainant has been the recipient of numerous awards, including "App of the Year" in 2011 from Apple Inc. Instagram is among the most downloaded apps worldwide, according to Forbes.

The Complainant is the owner of several trademarks for INSTAGRAM ("INSTAGRAM Trademark") and INSTA ("INSTA Trademark"), including:

- International Trademark Registration INSTAGRAM No. 1129314, registered on March 15, 2012;
- United States Trademark Registration INSTAGRAM No. 4146057, registered on May 22, 2012;
- European Union Trademark Registration INSTA No. 018359602, registered on February 9, 2023; and
- United States Trademark Registration INSTA No. 5061916, registered on October 18, 2016.

The Complainant is also owner of domain names including the INSTAGRAM trademark, such as the domain name <instagram.com>, registered on June 4, 2004.

The disputed domain name <instaviewer.co> was registered on February 10, 2025. At the time of the Decision and when the amended Complaint was filed, this disputed domain name redirected to the domain name <instagramviewer.com>, which resolved to an active website prominently displaying the INSTAGRAM trademark and purporting to offer tools to interact with the Complainant's social-networking service. The website also displayed the disclaimer "we are not affiliated with Instagram. We do not host any of the Instagram Stories on our servers, all rights belong to their respective owners."

The disputed domain name <instagram-story-downloader.com> was registered on January 14, 2025. At the time of the Decision, this disputed domain name resolved to an inactive website. The Complainant provided evidence that, when the Complaint was filed, this disputed domain name redirected to the domain name <storiesdown.co>, which – also – resolved to an active website prominently displaying the INSTAGRAM trademark and purporting to offer tools to interact with the Complainant's social-networking service. Further, the website displays a disclaimer nearly identical to the disclaimer on the website at the domain name <instagramviewer.com>.

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.

On the first element of the Policy, the Complainant claims that the disputed domain names are confusingly similar to the INSTAGRAM Trademark resp. INSTA Trademark. The disputed domain names incorporate

the Complainant's well-known INSTAGRAM Trademark resp. INSTA Trademark in full. In the disputed domain name <instagram-story-downloader.com>, the INSTAGRAM trademark is followed by a hyphen, the generic term "story", another hyphen, and the term "downloader". The addition of the hyphens and the generic terms is not sufficient to dispel the confusing similarity between the INSTAGRAM Trademark and the disputed domain name. Moreover, the addition of the term "story" adds to the confusing similarity because Instagram Stories is a feature that allows users to share photos and videos that disappear after 24 hours. The disputed domain name <instaviewer.co> includes the full INSTA Trademark, followed by the generic term "viewer". The Complainant's Instagram App is often referred to as "Insta", and the Complainant owns well-established and registered rights in the INSTA trademark. The addition of the term "viewer" is not sufficient to dispel the similarity between the INSTA Trademark and the disputed domain name <instaviewer.co> because Instagram's services allow others to "view" photos and videos. The applicable Top-Level-Domains ("TLDs"), in this case ".com" and ".co", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. There is no evidence to suggest that the Respondent is commonly known by the disputed domain names. The Respondent applied a proxy registration service to <instagram-story-downloader.com> and is only identified as "REDACTED FOR PRIVACY", which bears no resemblance to the disputed domain names. Similarly, the Respondent's name, "Tran Thanh Hung," also bears no resemblance to the disputed domain names. To the best of the Complainant's knowledge, the Respondent has not acquired or applied for a trademark registration for "Instagram Story Downloader", "StoriesDown" (the title of the affiliated website), "InstaViewer", or "Instagram Viewer", or any variation thereof as reflected in the disputed domain names. The Respondent is not a licensee of the Complainant, nor is he affiliated with the Complainant in any way. The Complainant has not authorized the Respondent to make any use of its INSTAGRAM Trademark resp. INSTA Trademark, in a domain name, in a mobile app, in the use of its logos on the website, or otherwise. The Respondent has configured the disputed domain names to redirect to website content that specifically targets the Complainant by offering downloads of (or access to) content from the Complainant's platforms, whilst making prominent use of the Complainant's trademarks. The Respondent clearly had the Complainant's trademarks in mind when registering the disputed domain names in order to exploit and profit from those rights. The website content associated with the disputed domain names makes prolific use of the Complainant's trademarks in order to offer content downloader or access services, and also heavily features its design trademark on the blog page where it offers various tips and tricks on how to use Instagram. All these elements are likely to confuse users into believing that the disputed domain names and the Respondent's websites are operated, approved of, sponsored by, or affiliated with the Complainant, which cannot constitute legitimate or noncommercial fair use under the Policy. The Respondent is further not providing legitimate sales or repairs in relation to a product provided by the Complainant. Unauthorized third-party websites and services similar to the Respondent's putative "StoriesDown" services are notoriously associated with illegal activities, which include malware and viruses, the scraping of private information and content from the Complainant's platforms, and phishing for user login credentials to hack accounts of the Complainant's customers. The Respondent does not prominently disclose their lack of relationship with the Complainant. The Respondent mentions the Complainant to refer to its own services as "StoriesDown offers a straightforward process, making it a convenient Instagram story viewer and secure tool for story saver.", and only has a disclaimer at the very bottom of the homepage stating "StoriesDown is not affiliated with Instagram. We do not host any of the Instagram stories on our servers, all rights belong to their respective owners". Moreover, the Respondent's website content features pop-up advertisements in an attempt to trade off the goodwill of the Complainant for their commercial benefit, which cannot constitute any bona fide offering of goods or services.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain names in bad faith. The INSTAGRAM Trademark and INSTA Trademark are inherently distinctive and well-known throughout the world, including in Viet Nam where Registrant is presumed to be located, and have been continuously and extensively used by the Complainant since 2010. The Complainant's trademarks are highly distinctive and are exclusively associated with the Complainant. The INSTA Trademark in particular was first used in 2011, and the term "Insta" is a well-known diminutive

associated with the Complainant's famous INSTAGRAM Trademark. Further, all search results obtained by typing the term "Instagram" and "Insta" into the Google search engine refer to the Complainant. It is therefore inconceivable for the Respondent to argue that they were not aware of the Complainant's trademarks when they registered the disputed domain names in 2025. Moreover, the disputed domain names and the Respondent's website content is so obviously connected with the Complainant and its INSTAGRAM Trademark resp. INSTA Trademark that such use by the Respondent, who has no connection to the Complainant, suggests bad faith. The global renown of the INSTAGRAM Trademark resp. INSTA Trademark is also evidenced by the number of cybersquatters who have sought to exploit the very significant consumer recognition and goodwill attached to its marks, and the Complainant's corresponding enforcement efforts. In light of the above, the Respondent cannot credibly argue that they did not have prior knowledge of the Complainant's Trademarks at the time the disputed domain names were registered. The Respondent's website content features pop-up advertisements in an attempt to trade off the goodwill of the Complainant to generate revenue, which constitutes additional evidence of bad faith registration and use of the disputed domain names. Third-party generated material, such as pop-up ads or parked pay-per-click links, cannot be disclaimed by the Respondent to prevent a finding of bad faith. Further, in February 2025, the Complainant's agents sent to the Respondent a notification letters demanding that the Respondent cease all unauthorized use of its INSTAGRAM Trademark and transfer the disputed domain name <instagram-story-downloader.com> to the Complainant. The Respondent never replied to any correspondence from the Complainant. The Respondent's use of a proxy service or selection of a registrar with default proxy services, strongly suggests an attempt to prevent or frustrate a UDRP proceeding and therefore constitutes additional evidence of bad faith at the time of registration of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made "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".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true (see section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint with respect to each disputed domain name, namely 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 in respect of 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 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 applicable TLD in a domain name (e.g., “.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The disputed domain name <instagram-story-downloader.com> contains the INSTAGRAM trademark in its entirety, with the only addition of two hyphen as well as the terms “story” and “downloader”. Further, the disputed domain name <instaviewer.co> contains the INSTA trademark in its entirety, with the only addition of the term “viewer”. The Panel finds the marks are recognizable within the disputed domain names. The addition of a hyphen does not prevent a finding of identity or confusing similarity (see *The Channel Tunnel Group Ltd. v John Powell*, WIPO Case No. [D2000-0038](#)). The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise), in this case “story” and “downloader” resp. “viewer”, does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), 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. [WIPO Overview 3.0](#), section 2.5.1.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain names or to use the INSTAGRAM Trademark resp. INSTA Trademark. The Panel finds that there are no indications on record that the Respondent is commonly known by the disputed domain names or otherwise has any rights or legitimate interests in the disputed domain names. Further, the disputed domain names are not used for a bona fide offering of goods or services. Rather, the Complainant has provided evidence showing that the disputed domain names redirected to active websites prominently displaying the INSTAGRAM trademark and purporting to offer tools to interact with the Complainant's social-networking service, also including pop-up advertisements.

The websites linked to the disputed domain names do not accurately and prominently disclose the relationship, or rather the lack thereof, between the Respondent and the Complainant, thus creating the false impression that the Respondent might be an official and/or authorized provider for the Complainant's social-networking service. This assessment is further supported by the nature of the disputed domain names, which in view of the Panel carries a risk of implied affiliation or association, as stated in section 2.5.1 of the [WIPO Overview 3.0](#). The disclaimer at the very bottom of the websites under the disputed domain names stating that the Respondent is not affiliated with the Complainant is not sufficient. However, as stated below, in the present case, even a more prominent disclaimer could not cure bad faith.

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 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.

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.

Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, (iv) redirecting the domain name to a different respondent-owned website, even where such website contains a disclaimer, (v) redirecting the domain name to the complainant's (or a competitor's) website, and (vi) absence of any conceivable good faith use. [WIPO Overview 3.0](#), section 3.1.4.

Further, 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 disputed domain names incorporate the INSTAGRAM Trademark resp. INSTA Trademark in their entirety and these trademarks were registered years before the registration of the disputed domain names. Considering the distinctiveness and reputation of the well-known INSTAGRAM Trademark and INSTA Trademark, Internet users may think the disputed domain names are connected to the Complainant and would resolve to a website related to the Complainant because the descriptive terms "story" and "downloader" resp. "viewer" in the disputed domain names refer to the Complainant's networking service and mobile application. Further, the Complainant has provided evidence showing that the disputed domain names redirect to active websites prominently displaying the INSTAGRAM trademark and purporting to offer tools to interact with the Complainant's networking service, also including pop-up advertisements. Moreover, the Panel notes the Respondent's failure to submit a response to the Complainant's notice letters and Complaint as well as the Respondent's attempt to conceal its identity (the Center's Written Notice was not able to be delivered by the courier service due to incomplete address).

The websites linked to the disputed domain names do not accurately and prominently disclose the relationship, or rather the lack thereof, between the Respondent and the Complainant. The disclaimers at the very bottom of the websites under the disputed domain names stating that the Respondent is not affiliated with the Complainant is not sufficient. However, even a more prominent disclaimer would not have changed the Panel's assessment in the present case, since, as stated in section 3.7 of the [WIPO Overview 3.0](#), where the overall circumstances of a case point to the respondent's bad faith, the mere existence of a disclaimer cannot cure such bad faith. In such cases, panels may consider the respondent's use of a disclaimer as an admission by the respondent that users may be confused.

The Panel finds that the Respondent has intentionally tried to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant and its INSTAGRAM Trademark resp. INSTA Trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names 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 names <instagram-story-downloader.com> and <instaviewer.co> be transferred to the Complainant.

/Christian Gassauer-Fleissner/
Christian Gassauer-Fleissner
Sole Panelist
Date: September 24, 2025