

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Leo Ramos
Case No. D2025-3170

1. The Parties

The Complainant is Instagram, LLC, United States of America (“United States” or “U.S.”), represented by Perkins Coie LLP, United States.

The Respondent is Leo Ramos, Spain.

2. The Domain Name and Registrar

The disputed domain name <instafollow.top> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2025. On August 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 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 15, 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 August 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2025. The Respondent sent two email communications to the Center on September 8, 2025. However, the Respondent did not submit any formal Response. Accordingly, the Center notified the commencement of the panel appointment process on September 9, 2025.

The Center appointed Uwa Ohiku as the sole panelist in this matter on September 15, 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 United States entity which offers a photo and video sharing social networking service that allows users to upload media that can be edited with filters and organized by hashtags and geographical tagging. Such posts can be shared publicly or with preapproved followers and users can browse other users' content by tag or location and view trending content, like photos and follow other users, to add their content to a personal feed. The Complainant's origins go back to 2010, growing exponentially in popularity and usership and to date has over 2 billion active users, becoming the second most downloaded mobile app globally in 2022, with over 548 million downloads. A multiple award-winning entity, the Complainant is often colloquially abbreviated as "IG", "Insta", or "The Gram".

The Complainant owns an extensive portfolio of trademarks, among which are:

- United States Trademark Registration No. 4146057, for INSTAGRAM, registered on May 22, 2012, in class 9;
- International Trademark Registration No. 1129314, INSTAGRAM, registered on March 15, 2012, in classes 9, and 42;
- European Union Trademark Registration No. 14493886 INSTAGRAM registered on December 24, 2015, in classes 25, 35, 38, 41, and 45;
- European Union Trademark Registration No.014810535 for INSTA registered on May 23, 2018, in class 9, 14, 16, 18, 20, 21, 24, 25, 28, 35, 38, 41, 42, 43, and 45;
- European Union Trademark Registration No.017675604 for INSTA registered on December 15, 2022, in classes 9, 14, 16, 18, 20, 21, 24, 25, 28, 35, 38, 41, 42, 43, and 45; and

The Complainant also owns the following domain names, among several others: <instagram.com> (registered on June 4, 2004), <instagram.net> (registered on November 6, 2010), and <instafans.net> (registered on November 11, 2019), which are linked to its corporate websites in connection with its services.

The Complainant has demonstrated in Annex 19 to the Complaint, that it tried to resolve this matter amicably, by sending appropriate notification to the Respondent in February and March 2025 respectively, asserting its rights to the Respondent and requesting a transfer of the disputed domain name, but did not receive a response from the Respondent.

The disputed domain name <instafollow.top> was registered on March 21, 2024. According to evidence submitted with the Complaint, the Respondent's use of the disputed domain name resolved to a commercial website that offered services purporting to sell "followers", "likes", "views" etc., on the Complainant's Instagram platform, and competitor platforms, while using Complainant's trademarks. At the time of this Decision, the disputed domain name resolves to an inactive page.

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 as follows:

- That the disputed domain name is confusingly similar to the trademarks in which the Complainant has established rights;

- That the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- That the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent however, sent two emails both on September 8, 2025, one day after the deadline to file a Response, as follows: "Hi, what I need to do?" (to the Center only), and "Hi, what I need to do? No understand English", (to the Center and copying in the Complainant's representatives). The Panel addresses these in the Panel's findings below.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

The Respondent failed to file a formal Response or to contest the Complainant's assertions. However, as stated above, the Respondent sent two emails on September 8, 2025, after the deadline to file a Response had lapsed, one to the Center and the second to the Center copying in the Complainant's representatives. Neither email responded to, nor refuted the Complainant's assertions, but were sent on top of the email of August 18, 2025, sent by the Center to notify the Respondent of the proceeding, which included information on the steps the Respondent could take and timeline for a response, etc. The Panel notes also that the Registration Agreement binding the Respondent (in English) clearly required the Respondent to submit to UDRP proceedings. Considering the circumstances, the Panel does not accept that the Respondent did not know what to do or did not understand English as claimed in both emails of September 8, 2025. Accordingly, by virtue of the Panel powers under paragraph 10 (d) of the Rules, this Panel finds both emails immaterial and attaches no weight to them.

The lack of a formal response from the Respondent however, does not automatically mean that the Complainant has established the three elements for a transfer of the disputed domain name. The Panel will review the evidence provided in the Complaint to verify that all three elements are indeed met. WIPO Overview of Panel Views on Selected UDRP Questions, Third Edition. ("[WIPO Overview 3.0](#)"), section 4.3.

Under paragraph 5(f) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint, and under paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as it considers appropriate. The Panel has authority to decide the dispute, examining the three elements in paragraph 4(a) of the Policy, taking into consideration all the relevant evidence, annexed materials and allegations, and carrying out limited independent research under the general powers of the Panel, amongst others, specified in paragraph 10 of the Rules.

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 trademarks or service marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant's marks INSTA and INSTAGRAM are immediately recognizable in the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the term here, “follow”, may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the generic Top-Level Domain (gTLD) “.top” may be disregarded for the purposes of assessing confusing similarity as this is a standard registration requirement.

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

B. Rights or Legitimate Interests

The second element requires the Panel to examine whether the Respondent has any rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides the following non-exclusive circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name:

- (i) that before any notice of the dispute, the respondent has used or demonstrated preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) that the respondent (as an individual, business or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) that the respondent is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert customers or to tarnish the complainant’s trademark or service mark.

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 often primarily within the respondent’s knowledge or control. Thus, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden shifts to the respondent to furnish relevant evidence demonstrating rights or legitimate interests, even though 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.

The Complainant herein, has demonstrated (among other compelling and uncontroverted evidence submitted as Annexures to the Complaint), that it has not granted the Respondent any license, authorization or permission to use its trademarks INSTAGRAM and INSTA, whether in the disputed domain name, or on a mobile app or to use the Complainant’s logo on Respondent’s website or is otherwise affiliated with the Respondent in any manner. Further, the Complainant has established that Respondent is not commonly known by the disputed domain name (indeed the Respondent’s name “Leo Ramos”, bears no resemblance whatsoever to “Insta” or “Instagram”).

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. The Respondent has not shown that its use of, or demonstrable preparations to use the domain name is in connection with a bona fide offering of goods or services or that as an individual, business or other organization, the Respondent has been commonly known by the disputed domain name. Further, the Respondent has not established that it is making legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert customers or to tarnish the

complainant's trademark. The evidence submitted by the Complainant establishes that the composition of the disputed domain name, and its use thereof, with the Respondent's website, specifically targeted the Complainant's Instagram platform, services, and users, for the Respondent commercial gain, and all of this taken together, do not confer rights or legitimate interests on the Respondent.

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

C. Registered and Used in Bad Faith

The third element of the Policy requires the Complainant to establish two things: that the disputed domain name was registered in bad faith, as well as is 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 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.

Examining both bad faith registration and bad faith use, the Panel notes that the Complainant's trademark has been protected extensively around the world, substantially predating the date of registration of the disputed domain name, and previous panels have consistently held that the Complainant's trademarks INSTA and INSTAGRAM are widely recognized in connection with the Complainant and the Complainant's business, enjoying extensive consumer awareness globally.¹ Given the above, and in view of all the arguments presented by the Complainant, and the manner of use of the Complainant's trademark by the Respondent on its website particularly, it is highly unlikely that the Respondent was unaware of the Complainant's rights in the trademarks INSTAGRAM and INSTA, when selecting the disputed domain name. A more plausible reasoning, and buttressed by evidence submitted with the Complaint, is that the Respondent's configuration of the disputed domain name to resolve to website content specifically targeting the Complainant by offering to sell likes and followers for Complainant's Instagram platform as well as for competitor sites, whilst making use of Complainant's trademarks, was deliberate in bad faith.

The Panel notes further that the composition of the disputed domain name vis-à-vis the Complainant's trademark and its use, were to exploit the fame and goodwill associated with the Complainant's trademarks; the lack of a formal response from the Respondent either to counter the Complainant's cease-and-desist letter and reminder, or to deny the assertions of bad faith made by the Complainant and the submitted evidence showing the manner in which the disputed domain name was used before the commencement of the administrative proceeding, all point to a lack of any actual or contemplated good-faith use on the part of the Respondent.

Previous panels have held that offers to sell likes and followers to users on Complainant's Instagram platform do not amount to bona fide offering of goods and services, and such use constitutes bad faith under paragraph 4(b)(iv) of the Policy. *Instagram, LLC v. Rolf Berwers, Namik Hondzo, Rolf Rolf*, WIPO Case No. [D2024-3261](#).

Having reviewed the record and based on the unchallenged information, and the evidence provided by the Complainant in various Annexures to the Complaint, the Panel finds that in the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

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

¹See *Instagram, LLC v. Sedat Das, Arda Arda, Domain Admin, whoisprotection biz, Domain Admin Domain Admin, whoisprotection biz*, WIPO Case No. [D2016-2382](#); and *Instagram, LLC v. Ozgur Kalyoncu, Seo Master and Huseyin Erdem*, WIPO Case No. [D2016-1710](#).

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 <instafollow.top> be transferred to the Complainant.

/Uwa Ohiku/

Uwa Ohiku

Sole Panelist

Date: September 29, 2025