

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Wali Raza  
Case No. D2025-3238

### **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 Wali Raza, Pakistan.

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

The disputed domain name <instagram2pro.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 August 13, 2025. On August 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 August 15, 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 20, 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 15, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on September 19, 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 applications 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 <instagram2pro.com> was registered on January 28, 2025. At the time of the Decision, this disputed domain name resolved to an active website. The Complainant provided evidence that, when the Complaint was filed, this disputed domain name 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 does not display a disclaimer disassociating the Respondent from the Complainant on the main page of the website but only contains a “Disclaimer” link pointing to another webpage, along with the statement “Instagram pro or Insta Pro is basically a modification of the original Instagram Platform”.

#### **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.

On the first element of the Policy, the Complainant claims that the disputed domain name is confusingly similar to the INSTAGRAM Trademark. The disputed domain name incorporates the Complainant’s well-known INSTAGRAM Trademark in full. In the disputed domain name <instagram2pro.com>, the INSTAGRAM trademark is followed by the number “2” and term “pro” (for “professional”). The addition of the number “2” and term “pro” (for “professional”) are insufficient to dispel the ensuing confusing similarity between the INSTAGRAM Trademarks and the disputed domain name. The applicable Top-Level-Domains (“TLDs”), in this case “.com”, 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 name. There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Respondent applied a proxy registration service to the disputed domain name, and was initially only identified as "Registration Private" and "Domains By Proxy, LLC", which bear no resemblance to the disputed domain name. The Respondent has since been identified as Wali Raza, which also bears no resemblance to the disputed domain name. To the best of the Complainant's knowledge, the Respondent has not acquired or applied for a trademark registration for "Instagram 2 Pro" (as reflected in the disputed domain name), nor for "INSTA PRO," "INSTAPRO," or any other terms or phrases incorporating the INSTAGRAM Trademark (as seen in the web content associated with the disputed domain name). 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, in a domain name, in a mobile app, in the use of its logos the website, or otherwise. The Respondent has configured the disputed domain name to redirect to website content that specifically targets the Complainant by offering an unauthorized modified version of the Complainant's applications, whilst making prominent use of the Complainant's Trademarks. The Respondent clearly had the Complainant's Trademarks in mind when registering the disputed domain name in order to exploit and profit from those rights. The website content associated with the disputed domain name makes excessive use of the Complainant's Trademarks as well as its design trademark, in order to offer putative modified mobile application services the Respondent refers to as "Insta Pro" and "Insta Pro 2." Furthermore, the website content and favicon display logos that are confusingly similar to the Complainant's INSTAGRAM design mark, replicating the Complainant's trade dress, specifically using a similar colour gradient effect to the Complainant's iconic gradient (transitioning from a dark purple and pink to a lighter orange and yellow), and even using a glyph similar to the original design mark. All these elements are likely to confuse users into believing that the disputed domain name and the Respondent's "Insta Pro" 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 "InstaPro" 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. Further, the disputed domain name and the Respondent's services have been flagged by one or more cybersecurity vendors as malicious. The Respondent does not prominently disclose their lack of relationship with the Complainant. Moreover, the Respondent expressly encourages and actively induces third-party users of the Complainant's services to violate the Complainant's Terms of Use via the disclosure of sensitive login credentials to the Respondent or those acting in concert with the Respondent. Unrebutted purposeful use of a domain name to enable violations of a complainant's terms of service is not a bona fide use under the Policy and can serve as strong evidence of bad faith registration and use under the Policy.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. The INSTAGRAM Trademark is inherently distinctive and well-known throughout the world, and has been continuously and extensively used by the Complainant since 2010. The Complainant's Trademarks are highly distinctive and are exclusively associated with the Complainant. Further, all search results obtained by typing the term "Instagram" 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 INSTAGRAM Trademark when they registered the disputed domain name on January 28, 2025. Moreover, the disputed domain name and the Respondent's website content is so obviously connected with the Complainant and its INSTAGRAM Trademark that such use by the Respondent, who has no connection to the Complainant, suggests bad faith. The global renown of the INSTAGRAM 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 name was registered. Further, in February 2025, the Complainant's agents sent to the Respondent notification letters demanding that the Respondent cease all unauthorized use of its INSTAGRAM Trademark and transfer the disputed domain name <instagram2pro.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 name.

## **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 the 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 <instagram2pro.com> contains the INSTAGRAM trademark in its entirety, with the addition of the number "2" and the term "pro". The Panel finds the mark is recognizable within the disputed domain name. The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise), in this case, the number "2" and the term "pro", does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain name is 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 name or to use the INSTAGRAM Trademark. The Panel finds that there are no indications on record that the Respondent is commonly known by the disputed domain name or otherwise has any rights or legitimate interests in the disputed domain name. Further, the disputed domain name is not used for a bona fide offering of goods or services. Rather, the Complainant has provided evidence showing that the disputed domain name 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 linked to the disputed domain name does 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 name, 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](#).

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 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 name incorporates the INSTAGRAM Trademark in its entirety, and the trademark was registered years before the registration of the disputed domain name. Considering the distinctiveness and reputation of the well-known INSTAGRAM Trademark, Internet users may think the disputed domain name is connected to the Complainant and would resolve to a website related to the Complainant because the number "2" as well as the descriptive term "pro" (for "professional") in the disputed domain name refer to the Complainant's networking service and mobile application. Further, the Complainant has provided evidence showing that the disputed domain name resolved to an active website prominently displaying the INSTAGRAM trademark and purporting to offer tools to interact with the Complainant's networking service. Moreover, the Panel notes the Respondent's failure to submit a response to the Complainant's notice letters and Complaint.

The website linked to the disputed domain name does not accurately and prominently disclose the relationship, or rather the lack thereof, between the Respondent and the Complainant. Not only does the website lack of any disclaimer disassociating the Respondent from the Complainant, but it also contains the misleading statement "Instagram pro or Insta Pro is basically a modification of the original Instagram Platform", which constitutes further evidence of bad faith. The Complainant has also provided evidence that the Respondent expressly encourages and actively induces third-party users of the Complainant's services to disclose sensitive login credentials to the Respondent or those acting in concert with the Respondent, which also is not a bona fide use under the Policy and can serve as strong evidence of bad faith registration and use under the Policy. See e.g. *Supercell Oy v. WhoisGuard Protected, WhoisGuard, Inc. / Giacinto Napolitani*, WIPO Case No. [D2017-2064](#).

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 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 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 <instagram2pro.com> be transferred to the Complainant.

*/Christian Gassauer-Fleissner/*

**Christian Gassauer-Fleissner**

Sole Panelist

Date: October 3, 2025