

## ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. ayşenur özen

Case No. D2025-3456

### 1. The Parties

The Complainant is Instagram, LLC, United States of America (“US”), represented by Greenberg Traurig, LLP, US.

The Respondent is ayşenur özen, Türkiye.

### 2. The Domain Name and Registrar

The disputed domain name <instafollower.org> is registered with ODTÜ Geliştirme Vakfı Bilgi Teknolojileri Sanayi Ve Ticaret Anonim Şirketi (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2025. On August 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 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 September 1, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On September 1, 2025, the Center also informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain name is Turkish. The Complainant filed an amendment to the Complaint in English on September 5, 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 in English and Turkish of the Complaint, and the proceedings commenced on September 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2025. A third party sent an email communication to the Center on September 10, 2025, explaining that he is not the registrant of the disputed domain name.

Following the third party's email of September 10, 2025, the Center sent an email to the Registrar requesting clarification about the registrant details. The Registrar informed the Center on September 15, 2025, of the correct Respondent information. The Center sent an email communication to the Complainant on September 18, 2025, providing the registrant and contact information disclosed correctly by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On September 18, 2025, the Center also informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain name is Turkish. The Complainant filed an amendment to the Complaint in English on September 18, 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 in English and Turkish of the Complaint, and the proceedings commenced on September 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 23, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on November 3, 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, Instagram, LLC, is a globally well-known company incorporated in the US. Instagram is a world-renowned online photo and video sharing social networking service and mobile application. The Complainant indicates that it has more than two billion monthly active accounts worldwide as of today.

The Complainant notes that it has secured ownership of numerous trademark registrations for INSTAGRAM, INSTA, IG, and various stylized and design trademarks in many jurisdictions throughout the world, including in Türkiye, where the Respondent is located. For example, the Complainant owns the following trademark registrations:

- the US trademark registration No. 5061916 for INSTA, registered on October 18, 2016, in class 9;
- the European Union trademark registration No. 014810535 for INSTA, registered on May 23, 2018, in class 9; and
- Turkish trademark registration No. 2015 95210 for INSTA, registered on June 27, 2016, in class 9.

The Complainant also owns numerous domain names consisting of or including the INSTAGRAM or INSTA trademarks, including the domain names <instagram.com> and <instafans.net>.

The disputed domain name was registered on March 26, 2023. At the time of filing the Complaint, it was resolving to a commercial website that purported to offer for sale "followers", "likes", and "views" for several social media platforms, including the Complainant's Instagram platform. The website was also displaying the Complainant's INSTAGRAM and INSTA trademarks, and a logo that is confusingly similar to the Complainant's design trademark, together with other social media platforms' logos. At the time of drafting this Decision, the disputed domain name resolves to an inactive website.

## 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. The Complainant's contentions regarding the three elements under the Policy are summarized below.

First, the Complainant submits that the disputed domain name is confusingly similar to its trademark as it wholly incorporates the INSTA trademark, which is followed by the term "follower". It is also composed of the dominant part of the INSTAGRAM trademark, "INSTA". The Complainant also notes that the Instagram application is often referred to as "Insta" for short.

Second, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In this regard, the Complainant, inter alia, submits that the Respondent is not commonly known by the disputed domain name; the Respondent is not a licensee of the Complainant, nor is it affiliated with the Complainant in any way; the Respondent clearly intended to target the Complainant's trademarks, platforms, services, and users; and the disputed domain name entails a high risk of implied affiliation with the Complainant. The Complainant claims that it is impossible for the Respondent to provide any bona fide services as understood within the "Oki Data test" (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). The Complainant adds that, assuming arguendo that the "Oki Data test" could apply, the Respondent's use does not satisfy the cumulative requirements of the said test.

Third, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that its trademarks are inherently distinctive and well-known, and it is therefore inconceivable for the Respondent to argue that it was not aware of the Complainant's trademarks when it registered the disputed domain name. Considering also the Respondent's website content, the Complainant claims a case of opportunistic bad faith. The Complainant also submits that by using the disputed domain name in this way, the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and putative services marketed therein.

### B. Respondent

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

## 6. Discussion and Findings

### 6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Turkish. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that English and ASCII are the predominant language and script of both the disputed domain name and the Complainant's trademarks, and the Respondent configured the disputed domain name to resolve to a website with content written entirely in English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **6.2. Substantive Issues**

### **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 entirety of the INSTA mark 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, "follower", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 Complainant asserted that it has not authorized the Respondent to make any use of its trademarks, and there is no evidence to suggest that the Respondent is commonly known by the disputed domain name. Particularly, the Complainant established that the Respondent targeted the Complainant's trademark by registering and using the disputed domain name for its commercial gain. It appears from the evidence submitted by the Complainant that the disputed domain name, which is confusingly similar to the Complainant's well-known trademark, was previously resolving to a website where the Respondent purportedly offered for sale "followers", "likes", and "views" for several social media platforms, including the Complainant's Instagram

platform. This website was also displaying the Complainant's trademarks and a logo that is confusingly similar to the Complainant's design trademark, together with other social media platforms' logos. These facts indicate that the Respondent tried to trade on the reputation and goodwill of the Complainant's trademarks. Lastly, the present inactive use of the disputed domain name does not change the Panel's determination under the second element of the Policy.

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.

Therefore, 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.

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 Panel considers the registration dates of the Complainant's trademarks and the disputed domain name; the composition of the disputed domain name, which fully reproduces the INSTA trademark with the addition of the descriptive term "follower"; the globally well-known and distinctive nature of the Complainant's trademarks; and the previous use and content of the dispute domain name described above. Considering all these grounds, the Panel finds that the Respondent registered the disputed domain name with the Complainant's trademarks in mind.

The Panel also considers that the mere registration of a domain name that is confusingly similar to a famous or widely-known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Considering the previous use and content of the disputed domain name described above, the Panel finds that the disputed domain name has been used in bad faith as the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademarks. The current inactive use of the disputed domain name does not change the Panel's determination regarding the third element of the Policy.

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 <instafollower.org> be transferred to the Complainant.

*/Mehmet Polat Kalafatoglu/*

**Mehmet Polat Kalafatoglu**

Sole Panelist

Date: November 17, 2025