

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Sercan Sevincer
Case No. D2025-3573

1. The Parties

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

The Respondent is Sercan Sevincer, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <saverinstapro.app> 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 September 4, 2025. On September 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 4, 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 September 8, 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 September 12, 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 September 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2025. The Respondent sent email communications to the Center on September 16, 2025 and September 22, 2025, expressing his willingness to transfer the disputed domain name to the Complainant. On September 16, 2025, the Center informed the Parties if they would like to explore settlement options, the Complainant should submit a request for suspension. The

Complainant did not request to suspend the proceedings. On October 7, 2025, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Gareth Dickson as the sole panelist in this matter on October 21, 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 limited liability company organised under the laws of the United States where it has its principal place of business. It operates a well-known online photo and video-sharing social-networking service and mobile application under the INSTAGRAM and INSTA trade marks, which first launched in 2010.

The Complainant owns and operates numerous domain names comprising or incorporating its trade marks, including <instagram.com>, through which users can access its services.

The Complainant also owns numerous trade mark registrations worldwide for INSTAGRAM as well as for INSTA (the “Mark”), including:

- United States Trademark Registration No. 4146057 INSTAGRAM, registered on May 22, 2012;
- United States Trademark Registration No. 5061916 for INSTA, registered on October 18, 2016; and
- European Union Trade Mark Registration No. 18359602 for INSTA, registered on February 9, 2023.

These registrations cover a broad range of goods and services in Classes 9, 35, 38, 41, 42, and 45.

The disputed domain name was registered on May 6, 2024. It directs users to a website branded as “Saver InstaPro”, offering an “Instagram Video Downloader” tool, purportedly to enable users to download content including videos, photos, stories from Instagram to their devices. Certain of the Complainant’s trade marks and trade dress is prominently deployed on that 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. Notably, the Complainant contends that:

- The disputed domain name is confusingly similar to the Mark because it wholly incorporates the Mark together with the descriptive terms “saver” and “pro”. The Mark remains recognisable within the disputed domain name, and the addition of these terms does not prevent a finding of confusing similarity.
- The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by it and has not been authorised to use the Mark. The Respondent’s website impersonates the Complainant and creates a risk of implied affiliation, contrary to the Complainant’s Terms of Use which prohibits such use. The Complainant submits that the Respondent’s activity violates its rights and does not constitute a bona fide offering.
- The disputed domain name was registered and is being used in bad faith. The Complainant submits that the Respondent clearly knew of the Complainant and the Mark at the time of registration, chose a name using the Mark and evoking the INSTAGRAM brand to attract Internet users for commercial gain, and

ignored a cease-and-desist letter. The website offers unauthorised downloader services potentially used for phishing or data harvesting, and the Respondent's use of a proxy service further indicates bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions. Following the filing of the Complaint, the Respondent submitted a series of email communications to the Center indicating consent to the transfer of the disputed domain name to the Complainant. The Respondent did not otherwise contest the Complaint or provide any substantive response to the allegations made therein.

6. Discussion and Findings

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 has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Mark is reproduced and is recognisable 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 "saver" and "pro", 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.

The Panel takes note of the fact that although the Respondent sent informal correspondence to the Center concerning the Complaint, expressing consent to transfer, he did not deny any of the Complainant's assertions.

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.

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 notes that the Respondent has registered and used the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's Mark, within the meaning of bad faith defined in paragraph 4(b)(iv) of the Policy. On the evidence before it, the Panel concludes that the Respondent must have been aware of the Mark when registering the disputed domain name and has chosen to include the Mark in the disputed domain name and to mimic the Complainant's trade dress and logos on the website in order to mislead users into believing the site is affiliated with the Complainant, contrary to the fact.

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 <saverinstapro.app> be transferred to the Complainant.

/Gareth Dickson/

Gareth Dickson

Sole Panelist

Date: November 6, 2025