

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Md Julhas Alam
Case No. D2025-3948

1. The Parties

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

The Respondent is Md Julhas Alam, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <instagramprofileviewer.com> (the "Disputed Domain Name") 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 26, 2025. On September 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 29, 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 30, 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 amendment to the Complaint on October 3, 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(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 31, 2025.

The Center appointed Douglas Clark as the sole panelist in this matter on November 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 is a photo and video sharing social networking service provider and its mobile application was launched in 2010 and was acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012. It operates “www.instagram.com” and maintains an online presence across major platforms.

The Complainant owns numerous trademark registrations for INSTAGRAM around the world, including in the United States registered on May 22, 2012, in Class 9 (Registration No. 4146057) with a first use date on October 6, 2010; and in the European Union registered on March 15, 2012, in Classes 9 and 42 (Registration No. 1129314), collectively the “INSTAGRAM Trademarks”.

The Disputed Domain Name was registered on April 10, 2025, with the Registrar. The Disputed Domain Name resolves to a website prompting “Instagram Profile Viewer”, described as an interface to explore the Complainant’s public Instagram profiles, stories, photos and videos utilizing their anonymous viewer tool, with marketing claims to view these profiles, stories and posts “fast and free” without an Instagram account. The website repeatedly references INSTAGRAM, the Complainant’s Trademarks.

In June 2025, the Complainant’s agents sent notifications to the Respondent through both the email point of contact in the Whois data for the Disputed Domain Name and the domain owner contact webform provided by the Registrar, demanding the Respondent to cease all unauthorized use of the Complainant’s INSTAGRAM trademarks and transfer the Disputed Domain Name to the Complainant. The Complainant also submitted takedown notices to the Respondent’s webhost or proxy webhost and Domain Name System (“DNS”) abuse reports to the Registrar. The Respondent did not reply to any of these communications or engage in correspondence with the Complainant.

The Respondent is an individual apparently based in Bangladesh.

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.

Identical or confusingly similar

The Complainant contends that the Disputed Domain Name is identical or confusingly similar to the Complainant’s Trademarks, INSTAGRAM, because it reproduces the mark in its entirety with the mere addition of the generic terms “profile” and “viewer”, which is not sufficient to dispel the similarity between the Complainant’s Trademarks and the Disputed Domain Name. The Complainant cites the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at sections 1.7 and 1.8, where the Complainant notes that when a trademark is recognizable within a domain name, the inclusion of other terms, whether descriptive, geographical, or otherwise, does not prevent a finding of confusing similarity.

The Complainant cites prior UDRP decisions involving similar constructions of Instagram-related domains to support this position.

The Complainant reasons that the generic terms add to the confusing similarity as they both relate to the Complainant's platform as Instagram has user profiles who post content for viewers. The Complainant cited *Instagram, LLC v. Royden Harquin*, WIPO Case No. [D2019-1597](#), *Instagram, LLC Meta Platforms, Inc. v. Ali Burak Yay Ali Burak Yay, Bm bilisim Ali Burak Yay, facebookhesap.com*, WIPO Case No. [D2023-2082](#), *Instagram LLC v. Fuat Kizilaslan, Fatih*, WIPO Case No. [D2022-1031](#), *Instagram, LLC v. Harold Jean-Louis, Harold Jean-Louis, Inc.*, WIPO Case No. [D2023-0334](#), and *Instagram, LLC v. Whois Privacy Service Protects this domain, Soluciones Corporativas IP, c/o Whois Proxy / Jose Luis Martinez*, WIPO Case No. [D2021-2141](#) to emphasize that panels have consistently reached this conclusion in prior cases involving similar domain names, such as <instagram-pic.info>, <instagramhesap.com>, <instagrambegenin.com>, <instagramsecurehelp.com>, and <instagramprofilescraper.com>.

Further, the addition of the generic Top-Level Domain ("gTLD"), ".com", is a standard registration requirement and does not affect the assessment of similarity, referring to section 1.11.1 of the [WIPO Overview 3.0](#).

Accordingly, the Complainant asserts that the first element of paragraph 4(a)(i) of the Policy is satisfied.

Rights or Legitimate Interests

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name under paragraph 4(c) of the Policy. The Respondent is neither authorized nor affiliated and is not commonly known by the Disputed Domain Name. The Complainant has not licensed or otherwise permitted the Respondent to use the INSTAGRAM Trademarks in any manner.

The Respondent uses the Disputed Domain Name to operate a website that promotes an interface to explore the Complainant's public Instagram profiles, stories, photos and videos utilizing their anonymous viewer tool without an Instagram account. The website prominently displays the Complainant's INSTAGRAM Trademarks, creating a misleading impression of sponsorship or endorsement. The Disputed Domain Name itself combines the INSTAGRAM Trademark with the descriptive terms "profile" and "viewer", clearly targeting the Complainant's platform and services and reinforcing a high risk of implied affiliation. According to the [WIPO Overview 3.0](#) at section 2.5.1, prior panels have consistently held that such conduct cannot constitute fair use where a respondent impersonates or suggests sponsorship, endorsement or affiliation with the trademark owner.

The Complainant also refers to *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("*Oki Data*") and [WIPO Overview 3.0](#) at section 2.8, which determines whether a respondent has a right or a legitimate interest. The Complainant cites *Instagram, LLC v. Van Nam Tran, University*, WIPO Case No. [D2024-1555](#) to emphasize that *Oki Data* test does not apply where any prior agreement, express or otherwise, prohibits the registration or use of the domain names incorporating a complainant's trademark. The Complainant submits that the criteria under this case do not apply where the Respondent's conduct violates explicit prohibitions in the Complainant's Terms of Use, Meta Developer Policies, and Brand Asset Guidelines. These policies expressly prohibit the Respondent from using the Complainant's Trademarks in the Disputed Domain Name.

Further, assuming that the *Oki Data* test could apply, the Complainant contends the Respondent would fail multiple prongs, namely, (i) the respondent must be offering the goods or services at issue, and (ii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder. The Complainant contends due to the fact that the website does not limit itself to genuine, authorized goods or services, and it does not accurately and prominently disclose the lack of relationship with the Complainant, it fails the *Oki Data* test. Such conduct creates a strong risk of implied affiliation and cannot constitute fair use under the Policy.

On this basis, the Complainant asserts that the Respondent cannot demonstrate any of the circumstances set out in paragraph 4(c) of the Policy and therefore he lacks rights or legitimate interests in the Disputed Domain Name.

Registered and Used in Bad Faith

The Complainant contends that the Respondent registered and is using the Disputed Domain Name in bad faith.

The Complainant's INSTAGRAM Trademarks are associated with the Complainant. The Respondent registered the Disputed Domain Name on April 10, 2025, years after the Complainant's mark was registered and gained online presence. The Complaint states that it is inconceivable for the Respondent to argue that he was not aware of the Complainant's Trademarks prior to his registration of the Disputed Domain Name, and that the Respondent engaged in opportunistic targeting of the Complainant's invented mark, referring to the [WIPO Overview 3.0](#) at section 3.1.4.

The Complainant contends the Respondent's conduct falls squarely under paragraph 4(b)(iv) of the Policy. By using the Disputed Domain Name to attract Internet users to his website, the Respondent creates a likelihood of confusion as to source, sponsorship, affiliation or endorsement, with the intent to derive commercial gain. The website prominently displays the Complainant's INSTAGRAM Trademarks, and offers derivative Instagram-related functionalities branded as "Instagram Profile Viewer", which are neither authorized nor endorsed by the Complainant. In support, the Complainant cites *Instagram, LLC v. Niyaz Khan, Ergonomic solutions*, WIPO Case No. [D2024-3290](#) and *Instagram, LLC v. Nerijus Abrutis, Nerijus Abrutis*, WIPO Case No. [D2021-2047](#) to portray that the conduct by the respondents in those cases was made in bad faith through attempting to profit from the goodwill of the Complainant's Trademarks to misleadingly attract Internet users.

The Complainant alleges that the service distributed under the Disputed Domain Name may be used to spread malware, enable spam, harvest personal data from the Complainant's platform, steal users' account credentials or for other illegal activities citing [WIPO Overview 3.0](#) at section 3.4 (the Panel notes no evidence was produced to this effect). The Complainant emphasizes that panels have found that such conduct amounts to bad faith use, referring to *Instagram, LLC v. Sergiy Dotsenko*, WIPO Case No. [D2024-3906](#).

The Complainant cites that additional factors reinforce the inference of bad faith. The Respondent failed to respond to cease-and-desist notices, takedown notices or DNS abuse reports sent by the Complainant in June 2025, a circumstance panels have recognized as indicative of bad faith as in *America Online, Inc. v. Antonio R. Diaz*, WIPO Case No. [D2000-1460](#) and *Instagram, LLC v. Abhishek Singh, Abhishek Singh, Abhishek Rajpoot, Probhai.com*, WIPO Case No. [D2024-3956](#). Lastly, the Respondent initially relied on a proxy service to conceal its identity which supports an inference in bad faith under the [WIPO Overview 3.0](#) at section 3.6 and *Fifth Third Bancorp v. Secure Whois Information Service*, WIPO Case No. [D2006-0696](#).

In light of these factors, the Complainant requests a transfer of the Disputed Domain Name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. Referring to the [WIPO Overview 3.0](#) at section 1.7, the standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's Trademarks and the Disputed Domain Name.

The Complainant has shown rights in respect of a trademark via multiple trademark registrations around the world with the INSTAGRAM mark, for the purposes of the Policy and the [WIPO Overview 3.0](#) at section 1.2.1.

The entirety of the Complainant's INSTAGRAM Trademark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademarks for the purposes of the Policy and referring to the [WIPO Overview 3.0](#) at section 1.7.

Although the addition of the terms "profile" and "viewer" 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 INSTAGRAM Trademark for the purposes of the Policy and the [WIPO Overview 3.0](#) at 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 the 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, according to the [WIPO Overview 3.0](#) at section 2.1.

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 Complainant has shown that the Respondent is not authorized, is not commonly known by the Disputed Domain Name and uses the Disputed Domain Name to promote an interface to explore the Complainant's public Instagram profiles, stories, photos and videos utilizing their anonymous viewer tool through the use of the Complainant's INSTAGRAM Trademarks in the disputed domain name and on the website associated with the disputed domain name. Such use does not constitute fair use where it creates a risk of implied affiliation as the nature and use of the disputed domain name effectively impersonates or suggests affiliation with the Complainant, as per the [WIPO Overview 3.0](#) at section 2.5.1.

Further, the Respondent's conduct does not satisfy the first and third factors of the *Oki Data* test as the website is not limited to genuine, Complainant- approved goods or services, and there is no accurate and prominent disclosure of the registrant's relationship with the trademark holder, as per the [WIPO Overview 3.0](#) at section 2.8.1.

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, as per the [WIPO Overview 3.0](#) at section 3.2.1.

INSTAGRAM is an invented word and associated with the Complainant, the Disputed Domain Name was registered in April 2025, long after the Complainant's platform gained online presence, and the website's content displays the Complainant's INSTAGRAM Trademarks, and offers derivative Instagram-related

functionalities branded as “Instagram Profile Viewer”. These facts strongly indicate targeting of the Complainant’s trademark rights, as per the [WIPO Overview 3.0](#) at section 3.1.4.

Further, the Respondent’s composition of the Disputed Domain Name and presentation of the website with the INSTAGRAM Trademark are designed to mislead users about the source or endorsement of the app and services, thereby diverting traffic for commercial gain.

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 <instagramprofileviewer.com> be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: November 25, 2025