

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Leo Tan, D'Marketing Agency  
Case No. D2025-4055

### **1. The Parties**

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

The Respondent is Leo Tan, D'Marketing Agency, Singapore.

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

The disputed domain name <instafollowers.app> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 2, 2025. On October 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 6, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 7, 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 10, 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 of the Complaint, and the proceedings commenced on October 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 2, 2025. The Respondent did not submit any response by the due date. Accordingly, the Center notified the Respondent’s default on November 6, 2025. A Late Response was filed with the Center on November 9, 2025. Accordingly, the Center acknowledged the receipt of Response.

The Center appointed Andrea Mondini as the sole panelist in this matter on November 20, 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 (also commonly known as "Instagram" or "Insta"), is a world-wide online photo- and video-sharing social-networking service and mobile application. The Complainant was launched in 2010 and was acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012. Today, Instagram is one of the leading social-networking services and mobile applications and has more than two billion monthly active accounts worldwide.

The Complainant holds the domain name <instagram.com> which hosts its main website.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
INSTAGRAM	United States	4,146,057	May 22, 2012	9
	United States	5,299,119	October 3, 2017	42
<i>Instagram</i>	United States	4,795,634	August 18, 2015	9, 38, 41, 42, 45
INSTAGRAM	International	1129314	March 15, 2012	9, 42
INSTA	European Union	018359602	February 9, 2023	9, 35, 38, 41, 42, 45

The disputed domain name was registered on July 7, 2023.

According to the evidence submitted with the Complaint, the disputed domain name resolved to a website with content that specifically targets the Complainant by offering Instagram likes and followers for sale, whilst making prominent use of the Complainant's trademark. After notice of the dispute, the Respondent revised the content posted under the disputed domain name.

#### **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 as follows:

The disputed domain name is confusingly similar to the INSTAGRAM and INSTA trademarks in which the Complainant has rights, because it incorporates the INSTA trademark in its entirety and the dominant part of the INSTAGRAM trademark, respectively, and the addition of the term "followers" is not sufficient to avoid confusing similarity but rather heightens it, as Instagram users "follow" each other. The top level domain ("TLD") may be disregarded for the assessment under the first element, as it is a standard registration requirement.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use these trademarks, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use of, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the disputed domain name resolves to a website making prominent use of the Complainant's trademarks and displaying elements of the Complainant's iconic color gradient with content that specifically targets the Complainant by offering Instagram likes and followers for sale. The Respondent's putative services constitute inauthentic behavior, which (i) the Complainant has not authorized, (ii) trades off the goodwill of the Complainant's INSTAGRAM trademarks, (iii) erodes the authenticity of users experiences on the Complainant's Instagram platform, (iv) thereby damages the goodwill of the Complainant's trademarks, and (v) induces users to violate Complainant's Community Guidelines, which state: "Don't offer money or giveaways of money in exchange for likes, followers, comments or other engagement."

The trademarks INSTAGRAM and INSTA have been extensively used to identify the Complainant and its services. The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademarks INSTAGRAM and INSTA at the time it registered the disputed domain name. The Respondent's intent to target the Complainant when registering the disputed domain name may be inferred from the contents of the Respondent's website, which makes explicit reference to the Complainant's INSTAGRAM and INSTA trademarks.

The Respondent used the disputed domain name in bad faith by offering likes and followers for sale. With this fraudulent conduct, the Respondent intentionally attempted to attract for financial gain Internet users to its website, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. In January 2025, the Complainant sent a notification to the Respondent requesting it to cease all unauthorized use of the INSTAGRAM trademark and to transfer the disputed domain name to the Complainant, but the Respondent never replied.

## **B. Respondent**

The Respondent did not submit any response by the due date.

In his Late Response, the Respondent stated that he amended the content posted under the disputed domain name as follows:

- “ 1. All 'buy Instagram followers/likes/views' language and product-style framing have been permanently removed.
- 2. All content has been replaced with neutral, platform-agnostic language (e.g., “managed social media growth and engagement across multiple platforms”).
- 3. Prominent disclaimers now state that we are not affiliated with Instagram, Meta Platforms, or any other third party.
- 4. All structured data, metadata, and FAQs referencing Instagram or instant delivery services have been removed or updated.
- 5. Calls-to-action now route to general contact channels only, with no Instagram-specific pages.

The service now operates under the name “InstantFollowers”, which is distinct from the Instagram brand. We are committed to avoiding any use or reference that could cause confusion with Meta's trademarks or suggest affiliation.”

In view of these changes, the Respondent requested that the Complaint be denied.

In accordance with the general powers of a panel articulated *inter alia* in paragraphs 10 and 12 of the Rules, the Panel has independently reviewed the revised website currently posted under the disputed domain name.

## 6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (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.

### 6.1. Late Response

In his Late Response, the Respondent states that for health reasons he was unable to submit the Response within the deadline set by the Center and offered to provide supporting medical documentation upon request. In the interest of fairness and due process, the Panel decides to accept the Late Response.

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

The Panel finds the entirety of the INSTA mark is reproduced within the disputed domain name <instafollowers.app>. Also, the INSTAGRAM mark is clearly recognizable within the disputed domain name, considering in particular that the Complainant's platform is also commonly referred to as "Insta".

Although the addition of other terms such as here "followers" may bear on assessment of the second and third elements, the Panel finds that in the present case the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the TLD ".app" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

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 for a complainant to prove that 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.

Prior UDRP panels have recognized that service providers using a domain name that contains a third-party trademark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name. Whether or not this is the case is typically assessed based on the factors listed in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) and [WIPO Overview 3.0](#), section 2.8 (the “Oki Data” test:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trade marked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark.

The Panel notes that the previous version of the Respondent’s website specifically targeted the Complainant by explicitly offering Instagram likes and followers for sale. Such offer does not satisfy the first element of the Oki Data test, because the Complainant does not offer Instagram likes and followers for sale. On the contrary, such conduct erodes the authenticity and integrity of users experiences on the Complainant’s Instagram platform. The Panel is not aware how this could possibly happen without some type of fraud or other illegitimate conduct. Prior panels have recognized that offers to sell likes and followers to users on the Complainant’s Instagram platform do not amount to a bona fide offering of goods or services. See *Instagram, LLC v. Whois privacy protection service / Olga Sergeeva et al.*, WIPO Case No. [D2020-0521](#) (<instafollowfast.com>, et al.).

The revised version of the website posted under the disputed domain name no longer explicitly offers to sell likes and followers. Nevertheless, it does not satisfy the second element of the Oki Data test, notably because the revised website also refers to TikTok, Youtube and Facebook. Also the change to “InstantFollowers” in the text of the website is insufficient, considering that the revised website is posted under the disputed domain name <instafollowers.app>.

In any event, the Respondent’s prominent use of the Complainant’s INSTAGRAM trademark on both versions of the website falsely suggests an association with the Complainant and does not amount to a bona fide offering of goods or services under the Policy. Thus, the formulation of the disputed domain name, coupled with the Respondent’s previous and revised versions of the website content entails a high risk of implied affiliation with Complainant.

Both versions of the Respondent’s website feature disclaimers in small letters at the bottom of the website. In the Panel’s view, these disclaimers are not only insufficiently prominent, but are of no avail because other factors of the Oki Data test are not satisfied.

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 view of the Panel, noting that that the Complainant's INSTAGRAM trademark predates the registration of the disputed domain name and considering that the Complainant's trademark is well-known, that its platform is also commonly referred to as "Insta" and that the disputed domain name resolved to a website featuring the Complainant's trademarks and references to its services, it is obvious that the Respondent targeted the Complainant when it registered the disputed domain name. In the circumstances of this case, this is evidence of registration in bad faith.

The Panel holds that by using the disputed domain name on the website as originally posted and in the current amended version, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its websites in the sense of Policy, paragraph 4(b)(iv).

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

## **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 <instafollowers.app> be transferred to the Complainant.

*/Andrea Mondini/*  
**Andrea Mondini**  
Sole Panelist  
Date: November 27, 2025