

## **ADMINISTRATIVE PANEL DECISION**

Arashi Vision Inc., dba Insta360 v. Alec Garcia  
Case No. D2025-4399

### **1. The Parties**

The Complainant is Arashi Vision Inc., dba Insta360, China, represented by Di Li Law, P.C., United States of America ("United States").

The Respondent is Alec Garcia, United States.

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

The disputed domain name <insta360.community> is registered with Name.com, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 24, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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 (Identity Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 amended Complaints on October 29, 2025.

The Center verified that the Complaint together with the amended Complaints 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 19, 2025. The Respondent sent an email communication to the Center on November 6, 2025. The Center sent an email regarding the possible settlement to the Parties on November 6, 2025. However, the Complainant did not request suspension before the due date. The Respondent did not file any formal response. Accordingly, the Center notified the commencement of the panel appointment process on November 21, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on November 27, 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 uncontested facts are as follows. The Complainant has, since 2015, produced and sold 360° cameras, virtual reality cameras, action cameras, webcams and other camera products and related software under its INSTA360 mark.

The Complainant's mark is registered in various jurisdictions, including: United States Trademark Registration No. 5271872 INSTA360 (stylized) in classes 9, and 42, having a registration date of August 22, 2017, and a use in commerce date of January 6, 2016; and European Union Trademark Registration No. 018270821 INSTA360 (device) in classes 7, and 12, having a registration date of October 23, 2020.

The Complainant's primary website is hosted at its domain name <insta360.com>, which was registered in 2014.

The disputed domain name was registered on September 28, 2019, and currently does not resolve to an active website. The Complainant's evidence establishes that the disputed domain name previously resolved to a website entitled "Insta360 Community", using a logo that is virtually identical to the Complainant's European Union Trademark Registration No. 018270821 referenced above. The website appears to have displayed posts, including videos, from users of the Complainant's cameras, with some specifically referencing models of the Complainant's cameras using their unique model names, e.g. "Insta360 ONE X2". One of the posts was from a user named "Insta 360 Official".

#### **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 was registered and has been used in bad faith in order to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain.

##### **B. Respondent**

The Respondent did not reply substantively to the Complainant's contentions, except to state:

"What do I need to do to transfer the domain over to Insta360? There was never any malicious intent here, I simply created a website that let users view Insta360 content on the web because I am a huge fan of their products. The code was fully open source at [...]."

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

The entirety of the verbal element of the Complainant's mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. To the extent that the Complainant's registered marks include stylized or figurative elements, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.10.

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 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 Respondent claims to be a fan of the Complainant's products and claims that the disputed domain name's website was intended to "let users view Insta360 content on the web". The Respondent may, therefore, claim rights or legitimate interests under the fair use provisions of paragraph 4(c)(iii) of the Policy.

For purposes of assessing fair use under UDRP paragraph 4(c)(iii), a respondent's fan site must be active, genuinely noncommercial, and clearly distinct from any official complainant site. Where the domain name is identical to a trademark, panels have tended to find that a general right to operate a fan site (even one that is supportive of the mark owner) does not necessarily extend to registering or using a domain name that is identical to the complainant's trademark, particularly as the domain name may be misunderstood by Internet users as being somehow sponsored or endorsed by the trademark owner. In such cases, where the domain name is identical to the trademark, as in this case, panels have also noted that this prevents the trademark holder from exercising its rights to the mark and so managing its presence on the Internet, including through a corresponding email address. [WIPO Overview 3.0](#), section 2.7.

In this case, the disputed domain name is identical to the verbal elements of the Complainant's mark, disregarding the figurative and stylized elements which are incapable of representation in domain names. As such, the disputed domain name itself suggests that it is associated with the Complainant. The choice of the Top-Level Domain (".community") also suggests that the disputed domain name is the Complainant's own community discussion forum, noting that the Complainant operates its own very similar community forum at "forums.insta360.com".

There is no attempt on the Respondent's website to distinguish itself from the Complainant through, e.g., a disclaimer. The use of a logo that is virtually identical to the Complainant's registered logo, and the inclusion of posts from a user named "Insta 360 Official", both falsely suggest that the website is associated with the Complainant.

There is thus a risk that the public would assume that the disputed domain name is authorised by or affiliated with the Complainant, which is not a fair use and does not support a legitimate interest. See *Lumsa - Libera Università Maria SS. Assunta v. Host Master, 1337 Services LLC*, WIPO Case No. [D2023-1939](#). The disputed domain name and its use thus cannot constitute fair use under the Policy.

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.

Given the indicators of targeting discussed in relation to the second element above, the Panel considers it more likely than not that the Respondent intended to take advantage of confusion surrounding whether the disputed domain name's website was an official presence of the Complainant, falling squarely within paragraph 4(b)(iv) of the Policy.

The Panel draws an adverse inference from the Respondent's failure to take part meaningfully in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 <insta360.community> be transferred to the Complainant.

/Jeremy Speres/

**Jeremy Speres**

Sole Panelist

Date: December 3, 2025