

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Evren Varoglu, Evren Varoglu
Case No. D2025-4453

1. The Parties

The Complainant is Instagram, LLC, United States of America (“United States”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Evren Varoglu, Evren Varoglu, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <instagramaccountsecurity.net> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2025. On October 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 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 November 3, 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 November 6, 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 November 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 9, 2025.

The Center appointed Xu Lin as the sole panelist in this matter on December 18, 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 INSTAGRAM trademark registrations around the world, including the following:

- International Trademark No. 1129314 for INSTAGRAM, registered on March 15, 2012, in Classes 9, and 42;
- Turkish Trademark No. 2012/85440 for INSTAGRAM, registered on April 28, 2015, in Classes 9 and 42;
- United States Trademark No. 4146057 for INSTAGRAM, registered on May 22, 2012, in Class 9.

The Complainant’s official website is at “www.instagram.com”, promoting its services.

The Respondent is reportedly based in Türkiye.

The disputed domain name <instagramaccountsecurity.net> was registered on August 24, 2024, and currently resolves to a Wix.com error page and does not resolve to an active 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:

Firstly, the disputed domain name is identical or confusingly similar to the INSTAGRAM marks.

- The presence of the Complainant’s trademark in the disputed domain name is sufficient to establish confusing similarity between the disputed domain name and the Complainant’s trademark.
- The addition of the terms “account” and “security” does not prevent a finding of confusing similarity with the Complainant’s trademark, which remains clearly recognizable in the disputed domain name.
- The gTLD “.net” may be disregarded for purposes of assessing confusing similarity, as it is viewed as a standard registration requirement.

Secondly, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

- The Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services as: (1) the Respondent is neither affiliated with the Complainant in any way nor has it been authorized by the Complainant to make use of its INSTAGRAM trademark, in a domain name or otherwise; (2) the Respondent is not a licensee of the Complainant either; (3) the disputed domain name

resolves to an inactive web page, which prior UDRP panels have found does not constitute a bona fide offering of goods or services; (4) there is no other evidence of the Respondent having made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

- The Respondent is not commonly known by the disputed domain name. As the publicly available Whois record for the disputed domain name is partially redacted and the disputed domain name resolves to an inactive web page, the identity of the registrant is essentially unknown. Moreover, there is no evidence of the Respondent having acquired or applied for any trademark registrations for “instagram”, “instagramaccount”, “instagramsecurity”, “instagramaccountsecurity”, or any variation thereof, as reflected in the disputed domain name. The Respondent’s non-use of the disputed domain name does not support a claim of being commonly known by the disputed domain name.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Respondent has not used the disputed domain name or provided any evidence of demonstrable preparations to use the disputed domain name in connection with the term INSTAGRAM. As the disputed domain name comprises the Complainant’s INSTAGRAM trademark in its entirety, followed by the terms “account” and “security”, and noting that Instagram users must create an account to access the Complainant’s platform, Internet users are likely to be misled into believing that the disputed domain name relates to account security services pertaining to the Complainant’s platform.

Finally, the disputed domain name was registered and is being used in bad faith.

- The Complainant’s INSTAGRAM trademark is inherently distinctive and well-known throughout the world. It is implausible that the Respondent was unaware of the Complainant when it registered the disputed domain name.
- The composition of the disputed domain name entirely reproduces the Complainant’s trademark INSTAGRAM and associates it with the term “account” and “security”.
- The Respondent registered the disputed domain name, with no authorization to make use of the Complainant’s trademarks, knowing that the disputed domain name may be read as a reference to an official account security website and would carry a risk of implied affiliation with the Complainant, in bad faith.
- The Complainant had sent a cease-and-desist letter to the Respondent and subsequently, a Registrar registrant contact form notice, but the Respondent never replied.
- Under the Telstra factors (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)), the fact that the disputed domain name resolves to an inactive web page does not prevent a finding of bad faith based on the doctrine of passive holding.

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. 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 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, “account” and “security”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy because the INSTAGRAM trademark remains recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

In what concerns the addition of the generic Top-Level Domain “.net” in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [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 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 Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The Complainant has not granted any license or right to the Respondent to use its trademark, and there is no evidence that the Respondent has been commonly known by the disputed domain name, or has used the disputed domain name in connection with a bona fide offering of goods or services. The evidence submitted by the Complainant indicates that the disputed domain name resolved to an inactive web page. The Respondent’s use of the disputed domain name which is confusingly similar to the Complainant’s INSTAGRAM trademark in this manner is likely to cause confusion among Internet users, and cannot confer any rights or legitimate interests onto the Respondent in the disputed domain name.

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.

In the present case, given the wide use, distinctiveness, and strong reputation of the INSTAGRAM trademark, the Panel finds it highly unlikely that the Respondent registered the disputed domain name without prior knowledge of the Complainant's mark.

The Respondent has provided no explanation for its choice of the disputed domain name, nor is there any apparent legitimate reason for the Respondent to have incorporated the famous INSTAGRAM mark into the disputed domain name other than to exploit the value and reputation of the INSTAGRAM mark.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name, plus the fact that the Respondent failed to respond to the cease-and-desist letter and the Response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Having reviewed the record, the Panel considers the Respondent's registration and use of the disputed domain name constitutes bad faith.

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 <instagramaccountsecurity.net> be transferred to the Complainant.

/Xu Lin/
Xu Lin
Sole Panelist
Date: December 30, 2025