

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. taras kolodnyi  
Case No. D2025-4465

### **1. The Parties**

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

The Respondent is taras kolodnyi, Ukraine.

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

The disputed domain name <instagrabapp.com> is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 29, 2025. On October 30, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) 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 amendment to the Complaint on November 4, 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 November 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 2, 2025.

The Center appointed Martin Švorčík as the sole panelist in this matter on December 8, 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 United States company founded in 2010 (hereinafter also referred to as “Instagram”). It operates the well-known online social networking service Instagram, frequently abbreviated as “Insta”, which enables users to create, share, and edit photos and videos. The Instagram platform was launched in 2010 and has since achieved substantial global recognition and goodwill. In 2012, the Complainant was acquired by Meta Platforms, Inc. (formerly Facebook, Inc.).

The Complainant owns many trademarks for INSTA and INSTAGRAM in many jurisdictions around the world, such as:

- United States Trademark No. 4146057, INSTAGRAM, registered on May 22, 2012;
- Indian Trademark No. 4789526, INSTA, registered on December 21, 2020; and
- European Union Trade Mark No. 18359602, INSTA, registered on February 9, 2023.

The Complainant is also the holder of numerous domain names consisting of or including the term “Insta”, including but not limited to <instagram.com> as well as <instagram.fr>, and <instagram.co>.

The disputed domain name was registered on May 7, 2025. The disputed domain name resolves to a website with a header “Instagram Downloader” which offers a downloader service of content hosted on Complainant’s Instagram platform. The identity of the Respondent was initially shielded by a privacy service.

#### **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 trademarks INSTA and INSTAGRAM; when comparing the disputed domain name with the Complainant’s trademarks, it becomes evident that the domain name incorporates the mark INSTA in its entirety, rendering the domain name confusingly similar to the Complainant’s trademark. The inclusion of the terms “grab” and “app” does not prevent a finding of confusing similarity.
- the Respondent has no rights or legitimate interests in the disputed domain name, because the Respondent incorporates the Complainant’s trademark in the disputed domain name without any license or authorization from the Complainant. Additionally, there is no legitimate or noncommercial use of the disputed domain name. The use of the disputed domain name to purport to offer a downloader service of content hosted on Instagram platform does not amount to a bona fide offering.
- Given the reputation of the Complainant’s well-known INSTA and INSTAGRAM trademarks and the use to which the disputed domain name has been put, the Respondent cannot credibly argue that he registered the disputed domain name without knowledge of the Complainant’s rights. The disputed domain name resolves to website which offers a downloader service of content hosted on the Complainant’s Instagram platform which may be used to spread malware, to enable spam, to harvest personal data, to steal

users' account credentials, or for other illegal activities; the Respondent is using the disputed domain name to exploit the goodwill and reputation attached to the Complainant's trademarks for commercial gain by attracting Internet users to its website and creating a false impression of association with the Complainant. This conduct amounts to registration and use of the domain name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy directs that the Complainant must establish each of the following:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

### **6.1. Preliminary Procedural Considerations**

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since the Respondent's location is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may affect case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

The Panel notes that the record contains no indication that the Center's written communication has been delivered to the address disclosed by the Registrar in its verification.

However, it appears that the Notification of Complaint emails were delivered at the Respondent's email address, as provided by the Registrar. Therefore, there is no evidence that the case notification was not successfully delivered to the disclosed Respondent's email address.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and decides that the administrative proceedings should continue (see *Netbet Entreprises Ltd v. Privacy Service provided by Withheld for Privacy ehf / Vladimir Vladimir, Crowd inc*, WIPO Case No. [D2022-1420](#)).

### **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 INSTA 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 term here, “grabapp” may bear on assessment of the second and third elements, the Panel finds the addition of such term do 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.

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 is not using the disputed domain name in connection with a bona fide offering of goods or services as contemplated under paragraph 4(c)(i) of the Policy, nor is the Respondent making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademarks under paragraph 4(c)(iii) of the Policy.

Prior UDRP panels have found that where a domain name consists of a trademark together with an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner; see [WIPO Overview 3.0](#), section 2.5.1.

From the evidence available on record, it is also clear that the Respondent is not sponsored by or associated with the Complainant in any manner. Moreover, the Complainant has not granted the Respondent any permission, license, or authorization to use the Complainant’s trademarks in any capacity, including within domain names.

Furthermore, the Respondent does not appear to be commonly known by the disputed domain name and there is no evidence that might support such finding.

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, the Panel notes that the Respondent must have been aware of the Complainant's rights when registering the domain name, as the sole purpose of the disputed domain name registration was to gain unfair advantage of the success of the Complainant and its reputation.

In fact, it was the Respondent's intention as it may be inferred from the content of the website to which the disputed domain name resolves, which makes explicit reference to Instagram. See *Instagram, LLC v. Whois Privacy, Private by Design, LLC / Ayesha Karunaratne*, WIPO Case No. [D2021-2233](#) (<downloadgram.com>).

The Panel finds that the Respondent is using the disputed domain name to exploit the goodwill and reputation attached to the Complainant's trademarks presumably for commercial gain to attract Internet users to its website by creating a false impression of association with the Complainant. See *Instagram, LLC v. Privacy Protect, LLC (PrivacyProtect.org) / Elnur Alizade*, WIPO Case No. [D2021-1845](#) (<insta-shark.com>).

The Panel accepts that the Respondent's unauthorized downloader services promoted via the disputed domain name may be used to spread malware, to enable spam, to harvest personal data from the Complainant's platform, to steal users' account credentials, or for other illegal activities. Prior UDRP panels have held that such activities amount to use in bad faith. See *Instagram, LLC v. Yashavantha Yashu, indiangovertime*, WIPO Case No. [D2023-1327](#) (<gbinstagram.club>).

The Respondent failed to respond to the Complainant's cease and desist letter which in this case supports a finding of bad faith; see *ACCOR, SoLuxury v. WhoisGuard Protected, WhoisGuard, Inc., Van Dung*, WIPO Case No. [D2018-1237](#) (<sofitelimplsdining.com>).

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 <instagrapp.com> be transferred to the Complainant.

/Martin Švorčík/

**Martin Švorčík**

Sole Panelist

Date: December 19, 2025