

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. John Dee  
Case No. D2025-4501

### **1. The Parties**

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

Respondent is John Dee, United States.

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

The disputed domain name <instagramstorysaver.net> 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 31, 2025. On October 31, 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 (User #63c886c0 Privacy, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on November 5, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 6, 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 5, 2025.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on December 11, 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

Complainant is a limited liability company (LLC) established in the state of Delaware, United States. Complainant was acquired by what is now Meta Platforms, Inc., in 2012. Complainant is a well-known online photo- and video-sharing social networking service and mobile application. Instagram has more than three billion monthly active accounts worldwide. Complainant has consistently ranked among the top apps for mobile devices, including for the iOS and Android operating systems. Complainant has been the recipient of numerous awards, including “App of the Year” in 2011 from Apple Inc. Complainant’s app is among the most downloaded apps worldwide. Complainant operates its platform worldwide using various registered domain names, including <instagram.com>.

Complainant is the owner of registration for the word trademark INSTAGRAM on the Principal Register of the United States Patent and Trademark Office (USPTO), registration number 4146057, registration dated May 22, 2012, in international class (IC) 9, covering “downloadable computer software for modifying the appearance and enabling transmission of photographs”. Complainant is the owner of registration for the word INSTAGRAM as an International Trademark under the Madrid System, registration number 1129314, registration dated March 15, 2012, in ICs 9 and 42, covering downloadable computer software, and covering providing a website giving users the ability to upload photographs, each as further specified, and designating Australia, the European Union, Israel, Japan, Norway, Republic of Korea, Singapore, Switzerland and Türkiye. Complainant is the owner of registration for the word trademark INSTAGRAM on the Trade Marks Registry of Intellectual Property India, registration number 2645896, registration dated as of December 19, 2013, in IC 9, covering downloadable computer software, as further specified. Complainant is the owner of registration for a design service mark on the Principal Register of the USPTO generally described as a “rounded square” and including “The color(s) YELLOW, WHITE, ORANGE, PINK, PURPLE, RED and BLUE is/are claimed as a feature of the mark,” registration number 5299119, registration dated October 3, 2017, in IC 42, covering, inter alia, allowing management of social networking content.

The Panel takes administrative notice that INSTAGRAM is a well-known trademark worldwide.

According to the Registrar’s verification, Respondent is registrant of the disputed domain name. According to the WhoIs Report, the disputed domain name was registered on April 29, 2025.

Respondent has used the disputed domain name to direct Internet users to a website identified as “Instagram Video Downloader”. The design of Respondent’s website uses the same color gradient as that employed by Complainant as part of its distinctive logo and trade dress, giving the appearance of association between Respondent’s website and Complainant’s trade dress. Respondent’s “Instagram Story Saver” application includes, among others, an “Instagram Video Downloader” and “Instagram Photo Downloader” application, is web-based and states that it operates through major browsers, including Chrome, Firefox, Opera, Safari and Chromium. Respondent states that it works well on both desktop and mobile versions. Respondent provides detailed instructions on the operation of its Instagram Story Saver application. In response to a cease-and-desist and transfer demand from Complainant, Respondent noted that it provided a disclaimer of affiliation on the homepage of its website, i.e., “We are not affiliated with Instagram or Meta”.<sup>1</sup>

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<sup>1</sup>In Complainant’s discussion of legitimate interests in the Complaint it states that “Respondent has included only an easily missed disclaimer at the bottom of the website in small font.” The screenshot of Respondent’s website as of October 9, 2025, included as annexed to the Complaint, shows Respondent’s website with a more prominent disclaimer as quoted in the text above in the center of the homepage, as well as including a disclaimer at the bottom of certain pages. In its discussion of bad faith, Complainant refers to Respondent’s more prominent disclaimer as “not credible given the website’s sole focus on the Instagram platform”. Complainant appears to have first contacted Respondent regarding the disputed domain name on June 4, 2025. The record in these proceedings is

In response to Complainant's transfer demand, Respondent offered to sell the disputed domain name to Complainant (i.e. "If you are interested in our domain name, I believe we can discuss an acquisition", message from the email address provided to the Registrar upon registration of the disputed domain name dated June 4, 2025).

There is no evidence on the record of this proceeding of any affiliation or association, commercial or otherwise, between Complainant and Respondent.

## **5. Parties' Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it owns rights in the trademark INSTAGRAM and the disputed domain name is confusingly similar to that trademark.

Complainant alleges that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) there is no evidence that Respondent is commonly known by the disputed domain name or that it has established trademark rights in the disputed domain name; (2) Respondent has not established independent trademark rights by registration or otherwise in "Instagram Story Saver"; (3) Respondent has not been authorized by Complainant in any manner to use its INSTAGRAM trademark, and is prohibited by Complainant's terms of service from using the INSTAGRAM trademark in the disputed domain name; (4) impersonating or suggesting sponsorship or endorsement by the trademark owner cannot constitute fair use; (5) Respondent through adoption of use of INSTAGRAM in connection with "story " and" saver" intentionally targets Complainant, creating a risk of implied affiliation with Complainant; (6) Respondent knowingly targeted Complainant's trademark when it registered the disputed domain name and cannot establish rights to offer putative goods or services prior to notice of the dispute, or claim to undertake a bona fide offering of goods or services; (7) Respondent's website makes use of Complainant's word and design trademarks, and replicates Complainant's trade dress; (8) Respondent is not making legitimate noncommercial or fair use of Complainant's trademark; (9) Respondent is expressly prohibited by Complainant's terms of use, which apply to all users of Complainant's platform, from registering and using the disputed domain name; (10) websites such as those operated by Respondent are notoriously used for malicious activities, including to spread malware and viruses, placing Internet users at risk, and; (11) Respondent did not adequately disclaim a relationship with Complainant.

Complainant argues that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent was aware of Complainant's rights in its trademark when it registered the disputed domain name; (2) Respondent's website is sufficiently connected with Complainant and its trademark so as to suggest opportunistic bad faith; (3) Internet users are likely to confuse Complainant as the source, sponsor, affiliate or endorser of Respondent's website; (4) Respondent's provision of unauthorized download services may be used to spread malware, enable spam, harvest personal data, steal user account credentials, and other illegal activities, and; (5) in response to a cease-and-desist and transfer demand from Complainant, Respondent offered to negotiate the sale of the disputed domain name to Complainant, and; (6) Respondent's use of a proxy service with the Registrar suggests an attempt to prevent or frustrate the UDRP proceeding.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

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not sufficient to establish whether the more prominent disclaimer was added in response to Complainant's cease-and-desist demand or instead predated it.

## **B. Respondent**

Respondent did not reply to Complainant's contentions during these proceedings.

## **6. Discussion and Findings**

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its record of registration. Delivery of notice of the Complaint to the physical address provided in Respondent's records of registration was unsuccessful because of incomplete contact information provided by Respondent. It appears that email notice of the Complaint to the addresses provided in Respondent's records of registration may have been at least partly successful. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

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

### **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 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.

Complainant has shown rights in respect of the trademark INSTAGRAM for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.<sup>2</sup>

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, "story" and "saver", 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. [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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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<sup>2</sup>The Panel uses the term "trademark" in its inclusive sense, to cover both goods and services marks.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving Respondent lacks rights or legitimate interests in the disputed name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent is using Complainant’s distinctive and well-known trademarks, including the distinctive color gradient incorporated as a feature of its logo, to identify services related to Complainant’s services that are not provided by Complainant. Respondent has not been authorized by Complainant to use its trademarks. Trademarks are intended to identify their owners as the source of goods or services, and to send a signal to consumers/Internet users regarding the quality or other characteristics of the goods or services of the trademark owner. A third party such as Respondent does not have rights to appear in the guise of Complainant through use of Complainant’s trademarks and to offer goods or services that would be reasonably associated with Complainant by Internet users.

Respondent was certainly aware of Complainant and its service marks when it registered and used the disputed domain name. Respondent has used Complainant’s distinctive trademarks and trade dress on its website. Respondent is presumably acting for commercial gain. Such use by Respondent does not represent a bona fide offering of goods or services, whether preceding or following notice of this dispute. Nor does it constitute fair use of Complainant’s trademark because Respondent is making substantially more use of Complainant’s trademarks than would be necessary to merely identify Complainant in a nominative sense, including by incorporating Complainant’s distinctive trade dress throughout its website. The incorporation by Respondent on its website of a noticeable disclaimer of affiliation with Complainant is inadequate to cure Respondent’s excessive use of Complainant’s trade dress and trademarks considering the prominence of Respondent’s use of Complainant’s “get up”, including its distinctive color gradient.

There is no evidence that Respondent has been commonly known by the disputed domain name, or that it has established trademark rights in the disputed domain name or the INSTAGRAM trademark. Respondent’s use of the disputed domain name does not otherwise manifest rights or legitimate interests.

The Panel determines that Complainant has established that Respondent lacks rights or legitimate interests 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, the Panel notes that Respondent was manifestly aware of Complainant and its trademark when it registered the disputed domain name because of the well-known and distinctive character of Complainant’s trademark, and the fact that Respondent deliberately adopted Complainant’s distinctive trade dress website identified by the disputed domain name.

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.

Respondent's website associated with the disputed domain name gives the appearance of association with Complainant through the prominent use of Complainant's INSTAGRAM trademarks and Respondent's adoption of Complainant's distinctive trade dress. Respondent's website design is deliberately intended to give the appearance of association with Complainant as the source, sponsor, affiliate or endorser of Respondent's website. Although Respondent included a noticeable disclaimer of affiliation with Complainant, the disclaimer is not adequate to dispel Internet user confusion given the extensive use of Complainant's trademarks and trade dress/design.

Complainant does not have control over the content or activities conducted on Respondent's website, and is not in a position to monitor or control that website for problematic activity, such as distribution of malware, inappropriate solicitation of Internet user information, or misappropriation of Internet user-provided images or content. This poses a risk both for Internet users and Complainant.

Respondent provided inaccurate and incomplete contact information in its record of registration of the disputed domain name.

In response to a cease-and-desist and transfer demand, Respondent offered to negotiate a sale of the disputed domain name to Complainant.

The foregoing combination of factors evidences bad faith registration and use of the disputed domain name within the meaning of paragraph 4(b) of the Policy.

The Panel finds that 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 <instagramstorysaver.net> be transferred to Complainant.

*/Frederick M. Abbott/*

**Frederick M. Abbott**

Sole Panelist

Date: December 25, 2025