

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Mohammed El Jai

Case No. D2025-4857

1. The Parties

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

The Respondent is Mohammed El Jai, Morocco.

2. The Domain Name and Registrar

The disputed domain name <instafastdownload.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2025. On November 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 24, 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 (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 25, 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 25, 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 December 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2025. The Respondent sent email communications to the Center on December 2 and 4, 2025. On December 22, 2025, the Center informed the Parties about the commencement of panel appointment process.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on December 26, 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, is a United States limited liability company and the owner and operator of the globally well-known online photo- and video-sharing social networking service known as Instagram. Since its launch in 2010, Instagram has grown into one of the world's most prominent social media platforms and has developed substantial goodwill and reputation worldwide. In 2012, Instagram was acquired by Facebook, Inc., now Meta Platforms, Inc. As of today, Instagram reports more than three billion monthly active accounts worldwide. Instagram consistently ranks among the most popular mobile applications globally and has received numerous industry accolades, including being named "App of the Year" by Apple Inc. in 2011. The Instagram application is among the most downloaded apps worldwide across both iOS and Android platforms.

The Complainant is the owner of a number of INSTAGRAM and INSTA trademark registrations (collectively, the "INSTA Trademarks") throughout multiple jurisdictions, among which are:

- International Trademark Registration No. 1129314 for INSTAGRAM, registered on March 15, 2012, in respect of goods and services in classes 9 and 42;
- United States Trademark Registration No. 4146057 for INSTAGRAM, registered on May 22, 2012, in respect of goods in class 9;
- United States Trademark Registration No. 5061916 for INSTA, registered on October 18, 2016, in respect of goods in class 9;
- European Union Trade Mark No. 014810535 for INSTA, registered on May 23, 2018, in respect of goods in class 9.

The disputed domain name was registered on June 5, 2025, and resolves to a website offering an online tool enabling users to download videos and other content from the Complainant's Instagram platform. The website associated with the disputed domain name prominently references the Complainant's INSTAGRAM and INSTA trademarks and offered services described as allowing users to "download Instagram videos and reels quickly and easily". The website presented the service under the name "InstaFast Downloader" and used visual elements, including color schemes and design features, closely resembling the Complainant's branding. In July 2025, the Complainant sent cease-and-desist and takedown communications to the Respondent, requesting that the Respondent cease its use of the disputed domain name and transfer it to the Complainant. The Respondent did not provide a formal reply to those communications.

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

- (1) the disputed domain name is confusingly similar to trademarks in which the Complainant has longstanding and well-established rights, as it wholly incorporates the Complainant's INSTA trademark and the dominant element of the INSTAGRAM trademark, with the mere addition of the descriptive terms "fast" and "download" that do not dispel the confusing similarity;
- (2) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant, has not been authorized to use the Complainant's trademarks, is not commonly known by the disputed domain name, and has used the disputed domain name to offer an unauthorized service targeting the Complainant's platform in a manner that creates a risk of implied affiliation and cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- (3) the disputed domain name was registered and is being used in bad faith. Given the worldwide fame and distinctiveness of the Complainant's trademarks, the Respondent must have been aware of the Complainant and its rights at the time of registration and has intentionally used the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and services, including by promoting an unauthorized derivative service and disregarding cease-and-desist communications from the Complainant.

B. Respondent

The Respondent did not submit a formal Response. However, the Respondent sent informal communications on December 2 and 4, 2025, indicating a willingness to transfer the disputed domain name to the Complainant through the Registrar.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 was registered and is being used in bad faith.

The onus of proving these elements is on the Complainant even though the Respondent failed to submit a formal Response.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

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 demonstrated rights in the INSTA and INSTAGRAM trademarks through extensive use and numerous trademark registrations worldwide. These registered rights are sufficient to satisfy the threshold requirement for standing under the Policy.

The disputed domain name incorporates the entirety of the Complainant's registered INSTA trademark.

The additional terms "fast" and "download" are descriptive in nature and do not prevent a finding of confusing similarity. Under established UDRP precedent, where a domain name incorporates a complainant's trademark or a dominant feature thereof, the addition of descriptive terms does not dispel confusing similarity. [WIPO Overview 3.0](#), section 1.8.

The applicable generic Top-Level Domain ".com" is a standard registration requirement and is disregarded for purposes of assessing confusing similarity under the Policy. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to trademarks in which the Complainant has rights. The Complainant has therefore satisfied the requirements of paragraph 4(a)(i) of the Policy.

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.

The Panel finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not come forward with any evidence to rebut that case.

There is no evidence that the Respondent has been commonly known by the disputed domain name. According to the case file, the Respondent does not appear to hold any trademark or service mark rights for "insta fast download" or any similar designation. There is no evidence that the Respondent has acquired or applied for any trademark corresponding to the disputed domain name, nor that any independent rights exist that could justify its use. By contrast, the Complainant's rights in the INSTAGRAM and INSTA trademarks are longstanding, well established, and widely recognized.

The Respondent is not affiliated with the Complainant, is not a licensee of the Complainant, and has not been authorized by the Complainant to use its trademarks in any manner, including as part of a domain name. The Panel therefore finds that the Respondent has no authorization or other basis to claim legitimate interests arising from the Complainant's marks.

The disputed domain name resolves to a website that expressly targets the Complainant and its platform by offering a tool purporting to allow users to download content from Instagram. The website makes prominent use of the Complainant's INSTAGRAM and INSTA trademarks, adopts a visual presentation reminiscent of the Complainant's distinctive branding, and promotes services described as "Download Instagram Videos & Reels, Quickly & Easily". In the Panel's view, the composition of the disputed domain name coupled with this use creates a clear risk of implied affiliation and suggests sponsorship or endorsement by the Complainant.

Under established UDRP precedent, such conduct does not constitute legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. As summarized in section 2.5.1 of the [WIPO Overview 3.0](#), panels have consistently found that impersonation of a trademark owner or conduct that falsely suggests affiliation cannot give rise to rights or legitimate interests.

The Panel has considered whether the Respondent could claim rights or legitimate interests under the principles set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). However, the Panel finds that the Oki Data test does not apply in the circumstances of this case. The Respondent's conduct fails to satisfy the requirements of that test, in particular because the website does not accurately and prominently disclose the absence of any relationship with the Complainant and instead exacerbates the likelihood of user confusion through the prominent use of the Complainant's trademarks and branding elements.

The presence of a small and inconspicuous disclaimer at the bottom of the website which states "[t]his tool is not affiliated with Instagram or Meta Platforms, Inc." is insufficient to cure this defect.

In light of the above, the Panel finds that the Respondent registered and used the disputed domain name with the Complainant's trademarks in mind and with the intent to exploit their goodwill. Such use cannot confer rights or legitimate interests under the Policy.

Accordingly, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

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.

The Panel finds that the disputed domain name was registered and is being used in bad faith for the reasons set out below.

First, the Panel is satisfied that the Respondent was fully aware of the Complainant and its INSTAGRAM and INSTA trademarks at the time the disputed domain name was registered. The Complainant's trademarks are inherently distinctive, globally famous, and have been continuously used by the Complainant since 2010. The term "Insta" is a well-known and widely used shorthand reference to the Complainant and its services. Internet search results for "Instagram" or "Insta" overwhelmingly and exclusively refer to the Complainant. In these circumstances, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark rights.

The composition of the disputed domain name, which combines the Complainant's INSTA trademark with the descriptive terms "fast" and "download", together with the Respondent's use of the disputed domain name to offer services directly related to the Complainant's platform, strongly supports a finding of opportunistic bad faith. As noted in section 3.1.4 of the [WIPO Overview 3.0](#), the registration of a domain name that is so obviously connected with a well-known trademark by an unaffiliated party constitutes strong evidence of bad faith.

Second, the Panel finds that the Respondent has used the disputed domain name to intentionally attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademarks, within the meaning of paragraph 4(b)(iv) of the Policy. The disputed domain name resolves to a website offering an unauthorized "InstaFast Downloader" service that purports to allow users to download content from Instagram. The website prominently references the Complainant's INSTAGRAM trademark, targets the Complainant's users, and adopts visual elements evocative of the Complainant's branding. In the Panel's view, Internet users are likely to believe that the website and the services offered thereon are affiliated with, sponsored by, or endorsed by the Complainant.

Third, the nature of the Respondent's services promoted through the disputed domain name further supports a finding of bad faith. Prior UDRP panels have recognized that unauthorized downloader services associated with well-known platforms are frequently linked to illegal or abusive conduct, including malware distribution, phishing, credential harvesting, and the scraping of personal data. The use of a domain name to potentially facilitate or promote such activities and, particularly in this case, to impersonate/pass off as the Complainant, constitutes bad faith use under the Policy, as reflected in section 3.4 of the [WIPO Overview 3.0](#).

Fourth, the Panel notes that the Respondent failed to respond to cease-and-desist and takedown notices sent by the Complainant in July 2025 demanding cessation of the unauthorized use of the Complainant's trademarks and transfer of the disputed domain name. While a failure to respond is not dispositive on its own, panels have consistently held that such silence may support an inference of bad faith, particularly where, as here, it is combined with other compelling evidence of abusive registration and use.

Finally, the Respondent's use of a proxy registration service to conceal its identity, when considered together with the other circumstances of the case, further supports an inference of bad faith. As recognized in section 3.6 of the [WIPO Overview 3.0](#), the use of privacy or proxy services may reinforce a finding of bad faith where there is evidence of evasive or abusive conduct.

In light of the foregoing, the Panel concludes that the disputed domain name was registered and is being used in bad faith. The Complainant has therefore satisfied the requirement of paragraph 4(a)(iii) 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 <instafastdownload.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: January 9, 2026