

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Kerolous Morgan, Soft Eagles
Case No. D2025-5395

1. The Parties

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

The Respondent is Kerolous Morgan, Soft Eagles, Egypt.

2. The Domain Name and Registrar

The disputed domain name <instascenex.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 24, 2025. On December 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 25, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 January 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 26, 2026.

The Center appointed Anna Carabelli as the sole panelist in this matter on January 29, 2026. 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 operates the online photo- and video-sharing social-networking service and mobile application “Instagram”, which was launched in 2010 and acquired by Meta Platforms, Inc. (formerly Facebook, Inc.) in 2012.

The Complainant is the owner of numerous trademark registrations for INSTA and INSTAGRAM in various jurisdictions, including the following:

- Indian Trademark Registration No. 3101498, INSTA, registered on December 5, 2017, in class 9;
- United States Trademark Registration No. 5061916, INSTA, registered on October 18, 2016, in class 9;
- Egyptian Trademark Registration No. 296546, INSTAGRAM, registered on October 20, 2015, in class 42;
- International Trademark Registration No. 1129314, INSTAGRAM, registered on March 15, 2012, in classes 9 and 42;
- United States Trademark Registration No. 4146057, INSTAGRAM, registered on May 22, 2012, in class 9

(collectively, the “INSTA Trademarks”); and

- United States Trademark Registration No. 5299116 (figurative)



registered on October 3, 2017 in class 9 (the “Complainant’s Figurative Trademark”).

The Complainant also owns numerous domain names reflecting its INSTA Trademarks under a wide range of Top-Level Domains, including <instagram.com> (registered on June 4, 2004), <instagram.net> (registered on November 6, 2010), and <instagram.org> (registered on May 10, 2015).

As per the uncontested evidence submitted with the Complaint, Instagram is today one of the world’s fastest growing photo and video sharing and editing software and online social network with more than 2 billion monthly active accounts worldwide. In recent years it has consistently ranked among the top applications for mobile devices -including for iOS and Android operating systems- according to applications information company Data.ai. The Complainant has developed a strong presence online by being active on various social media platforms, including Facebook, Twitter, and LinkedIn.

The disputed domain name was registered on May 4, 2018 and resolves to a website allegedly offering for sale “Likes”, “Followers”, “Comments”, and “Views” for Instagram and other social media platforms through different packages. The website at the disputed domain name displays the INSTA Trademarks and Complainant’s Figurative Trademark, and features a purple color scheme reminiscent of Instagram gradient color scheme adopted by the Complainant.

A cease-and-desist letter sent by the Complainant to the Respondent on November 6, 2025 remained unanswered.

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 Complainant’s INSTA Trademarks, Figurative Trademark as well as the Instagram gradient color scheme, are highly distinctive and well known worldwide, and firmly associated with the Complainant;

- the disputed domain name is confusingly similar to the Complainant's INSTA Trademarks;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since: (i) the Respondent has not been authorized or somehow given consent by the Complainant to register and use the disputed domain name, and is not commonly known by the disputed domain name; (ii) the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use; and
- the disputed domain name was registered and is being used in bad faith. The Respondent has registered and used the disputed domain name with knowledge of the Complainant and to capitalize on the Complainant's considerable goodwill and reputation, to attract for commercial gain Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant and its trademarks.

Based on the above the Complainant requests the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

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

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

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

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of a respondent's rights to or legitimate interests in a disputed domain name for the purpose of paragraph 4(a)(ii) of the Policy above.

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 Complainant's INSTA Trademarks are reproduced and recognizable within the disputed domain name. Indeed, the disputed domain name incorporates the term "insta", which corresponds exactly to the Complainant's INSTA mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the Top-Level Domain, such as “.com”, is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms, here “scene” followed by the letter “x”, may bear on assessment of the second and third elements, the Panel finds the addition of such term/letter 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 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 composition of the disputed domain name (incorporating the Complainant’s INSTA Trademarks in their entirety) creates a risk of confusion and implied affiliation with the Complainant, contrary to the facts. The disputed domain name is being used for a website which features the Complainant’s Figurative Trademark and INSTA Trademarks, and a purple color scheme reminiscent of the gradient color scheme adopted by the Complainant, and purportedly offers for sale “Likes”, “Comments”, “Followers”, and “Views” for Instagram, and other social media platforms. There is not any disclaimer on the website disclosing the (lack of) relationship between the Parties. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and therefore does not give rise to rights and legitimate interests of the Respondent in the disputed domain name. [WIPO Overview 3.0](#), section 2.8.

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 Complainant’s INSTA Trademarks and Figurative Trademark have been continuously and extensively used globally for many years and have, as a result, acquired considerable reputation and goodwill worldwide. In view of the well-known character of the INSTA Trademarks, as well as the Complainant’s Figurative Trademark, it is difficult to believe that the Respondent did not have in mind the Complainant’s marks when registering the disputed domain name. Prior panels

have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Indeed, in the specific case, the content of the Respondent's website at the disputed domain name indicates both the Respondent's actual knowledge of the Complainant's rights and the Respondent's intention to take unfair advantage of those rights. The Respondent has been using the disputed domain name to resolve to a website allegedly offering Instagram marketing services, including "Likes", "Followers", "Comments", and "Views", without disclosing its lack of relationship with the Complainant. Rather, by displaying the Complainant's distinctive Figurative Trademarks, and making explicit reference to "Instagram", the Respondent's website may mislead Internet users into thinking that the Respondent's website and the services provided therein are endorsed or permitted by the Complainant. Thus, the Panel concludes that the Respondent has been using the confusingly similar disputed domain name with the intention to attract, for commercial gain, Internet users to the Respondent's website.

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 <instascenex.com> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: February 11, 2026