

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Abir Mahmud
Case No. D2026-0589

1. The Parties

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

The Respondent is Abir Mahmud, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <sssinstagram.net> 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 February 12, 2026. On February 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 2026, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 2026, 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 February 17, 2026.

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 February 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 11, 2026.

The Center appointed Olga Zalomiy as the sole panelist in this matter on March 18, 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 is a world-renowned online photo and video-sharing social networking service and mobile application. The Complainant owns several trademark registrations for its INSTAGRAM trademark, such as:

- The United States registration No. 4146057, for the INSTAGRAM mark, registered on May 22, 2012;
- The European Union Trade Mark No.1129314, for the INSTAGRAM mark, registered on March 15, 2012 ;
- The Indian registration No. 2645896, for the INSTAGRAM mark registered on November 7, 2018.

The Complainant registered multiple domain names that include its INSTAGRAM trademark, such as: <instagram.com>, registered on June 4, 2004.

The Respondent, who is purportedly located in Bangladesh, registered the disputed domain name on July 1, 2025. The disputed domain name redirects Internet users to a website at “www.sssmate.com” that is designed to look like it is affiliated with the Complainant. The website that prominently displays the Complainant’s color gradient and the INSTAGRAM mark. The website offers users an Instagram Downloader, which purports to let users save their favorite Instagram content.

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 its well-known INSTAGRAM trademark because the disputed domain name reproduces the Complainant’s mark in its entirety. In the Complainant’s view, addition of the letters “sss” does not prevent a finding of confusing similarity between its mark and the disputed domain name. The Complainant alleges that addition of the generic Top-Level Domain (“gTLD”) “.net” may be disregarded for the purpose of assessing confusing similarities between the disputed domain name and its mark because it is viewed as a standard registration requirement.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name because (i) there is no evidence that the Respondent is commonly known by the disputed domain name because it applied a proxy registration service to the disputed domain name and is identified only by country code and registrar email; (ii) the Respondent has neither acquired, nor applied for a trademark registration for “SSS Instagram” or any variation thereof; (iii) the Respondent is not affiliated with, nor has it been authorized by, the Complainant to use its INSTAGRAM trademark in the disputed domain name; and (iv) the Respondent’s use of the disputed domain name does not qualify as fair use because the Respondent’s use of the disputed domain name including the Complainant’s trademark coupled with the Respondent’s website content targeting the Complainant, entails risk of implied affiliation with the Complainant; (v) the Respondent’s use of the disputed domain name does not constitute “bona fide offering

of goods or services” under the *Oki Data* test¹ because the test does not apply to the present situation due to the Complainant’s Terms of Use prohibition from using the Complainant’s trademarks in the disputed domain name. Even had the *Oki Data* test applied, the Respondent’s use of the disputed domain name does not satisfy the test.

The Complainant asserts that the Respondent registered the disputed domain name in bad faith, because the Respondent registered a disputed domain name that is highly similar to the Complainant’s well-known trademark, and offered purported “Instagram Downloader” services on the website associated with that disputed domain name, demonstrates that the Respondent registered the disputed domain name with knowledge of the Complainant and its trademark. The Complainant argues the Respondent is using the disputed domain name in bad faith because it is using the disputed domain name to intentionally attract for commercial gain, Internet users to a website or online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of the website or location of a product or services on the website. The Complainant contends that its representatives sent two notifications to cease its unauthorized use of the Complainant’s INSTAGRAM mark to the Respondent but received no response. Finally, the Complainant argues that the Respondent’s use of a proxy service suggests an attempt to prevent or frustrate a UDRP proceeding, which constituted additional evidence of bad faith registration of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, to succeed in these proceedings, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (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.

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 Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other terms here, the letters “sss” 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 3.1](#),

¹ The test outlined in the case of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

section 1.8. The inclusion of the gTLD “.net” is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.1](#), 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 that 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 3.1](#), 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 evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent has not been authorized by the Complainant to use the Complainant’s trademark in a domain name. The Respondent is not making noncommercial or fair use of the disputed domain name.

Previous UDRP panels have recognized that resellers or distributors using domain names containing the complainant’s trademark to undertake sales of the complainant’s goods may be making a bona fide offering of goods and thus have rights or legitimate interests in such domain names in some situations.

Outlined in the *Oki Data* case,² the following cumulative requirements must be satisfied for the respondent to make a bona fide offering of goods or services:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder;
- and
- (iv) the respondent must not try to corner the market in domain names that reflect the trademark.

The *Oki Data* test does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits (or allows) the registration or use of domain names incorporating the complainant’s trademark. [WIPO Overview 3.1](#), section 2.8.1.

Here, the Respondent’s use fails to satisfy the test because the Respondent’s website provides no disclaimer of the Respondent’s lack of relationship with the Complainant. Rather, the website appears designed to suggest an affiliation with the Complainant and the disputed domain name itself incorporates the

² See [WIPO Overview 3.1](#), section 2.8.1; and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Complainant's trademark thereby taking unfair advantage of the mark for the Respondent's benefit. As a result, the Respondent is not making a bona fide offering of goods or services.

Panels have held that the use of a domain name for illegal activity here, claimed "Instagram Downloader" services that may be used to spread malware, enable spam to harvest personal data from Complainant's platform and to steal users' account, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. The evidence shows a VirusTotal report revealing that two independent cybersecurity vendors flagged the disputed domain name as being malicious in connection with malware.

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 registered the disputed domain name incorporating the Complainant's well-known trademark and the letters "sss" many years after the Complainant's first trademark registration. The absence of a credible explanation for choosing the disputed domain name, the composition of the disputed domain name, the Respondent's use of the disputed domain name to redirect to a website purportedly offering "Instagram Downloader" that allows users to save their favorite videos from Instagram, indicate that the disputed domain name was registered with the knowledge of the Complainant and its trademark. As a result, the Panel concludes that the disputed domain name was registered in bad faith.

The UDRP establishes that, for purposes of paragraph 4(a)(iii), "bad faith" registration and use of a domain name can be established by a showing of circumstances indicating that the respondent is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation or endorsement of the respondent's website or location, or of a product or service on the respondent's website or location. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion; (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful; (iii) the lack of a respondent's own rights to or legitimate interests in a domain name; [...]" [WIPO Overview 3.1](#), section 3.1.4.

Here, the Respondent, who has no rights to or legitimate interests in the disputed domain name, registered the disputed domain name that incorporates the Complainant's well-known trademark and is using it to redirect users to a website purportedly offering "Instagram Downloader" software that allows users to save their favorite videos from Instagram. The website prominently displays the Complainant's trademark and its color gradient. Therefore, the Panel concludes that the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or location, or of a product or service on the Respondent's website.

Panels have held that the use of a domain name for illegal activity, here, claimed use of the software that was flagged as malicious in connection with malware, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <sssinstagram.net> be transferred to the Complainant.

/Olga Zalomiy/

Olga Zalomiy

Sole Panelist

Date: March 26, 2026