

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. om parkash

Case No. D2026-1850

### **1. The Parties**

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

The Respondent is om parkash, Pakistan.

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

The disputed domain name <snapinstagram.pro> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 4, 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 amended Complaint on May 6, 2026.

The Center verified that the Complaint together with the amended 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 May 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any formal response. The Center received several informal email communications from the Respondent. Accordingly, the Center notified the Parties that it would proceed to panel appointment on June 25, 2026.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on June 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 is a world-renowned social networking application created in 2010. The Complainant owns many trademark registrations for INSTAGRAM such as United States of America registration No. 4,146,057 registered on May 22, 2012, and European Union registration no. 14493886 registered on December 24, 2015.

The disputed domain name was registered on January 13, 2025, and does not currently resolve to an active website. Previously, it redirected to a website at “www.snap-instal.net” which claimed to offer a tool for downloading 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 the Complainant’s trademark. The disputed domain name incorporates the Complainant’s trademark INSTAGRAM adding the term “snap” which does not eliminate confusing similarity. The generic Top-Level Domain (“gTLD”) “.pro” is not relevant in the assessment of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services. The Complainant did not authorize the Respondent to use its trademark in the disputed domain name nor is the Respondent affiliated with the Complainant or it is a licensee of the Complainant.

The disputed domain name previously redirected to a website, which provided a tool that allowed users to download Instagram content. The website used a pink/purple gradient color scheme similar to that of the Complainant’s Instagram platform. The requirements of the *Ok! Data* test (see *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) are not met in the current case. The Respondent does not provide services for the proper use of the Complainant’s product. Rather, the Respondent’s website purported to provide a tool and an app to download and view content from the Complainant’s Instagram platform. The disclaimer-like wording on the Respondent’s website did not prominently disclose the lack of relationship between the Respondent and the Complainant. Moreover, the provision of an Instagram downloader tool can also put the security of Instagram users at risk, as content scraped from the Instagram platform may be stored and used for unauthorized purposes. These tools are also in breach of the Meta Developer Policies and would violate the Terms of Use of Instagram. The current non-use of the disputed domain name does not qualify as use in connection with a bona fide offering of goods or services.

The Respondent is not commonly known by the disputed domain name as there is no evidence to suggest so. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Offering a tool to download content from the Complainant’s platform does not constitute legitimate or fair use of a domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademark is distinctive and well-known, as recognized by prior UDRP panels. The Respondent must have been aware of the Complainant's trademark as the website of the Respondent made explicit reference to the Complainant's trademark and uses its color scheme. Further evidence of bad faith is the use of a proxy service to mask its identity and the absence of response to the cease and desist letter. The Respondent has used the disputed domain name to provide a tool for the unauthorized downloading of content from the Instagram platform for commercial gain. Further, the tool offered breaches the Terms of Use of the Complainant and the Meta Developer Policies. The disclaimer-like wording featured at the bottom of the Respondent's website was not sufficient to cure the Respondent's illegitimate use.

## **B. Respondent**

The Respondent did not submit a formal response to the Complainant's contentions. The Respondent sent several apparently template-based informal email communications on May 5 and 14, and June 25, 2026, offering "guest posts" for a fee of USD 70.

## **6. Discussion and Findings**

### **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, "snap" may bear on assessment of the second and third elements, the Panel finds the addition of such term 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](#), 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 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 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 trademark as the Complainant's trademark is well-known and as the disputed domain name was registered more than a decade after the registration of the Complainant's trademark. Additionally, the disputed domain name used to direct to a page, which purported to offer tools to download content from the Complainant's INSTAGRAM platform.

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 3.1](#), section 3.2.1.

The evidence shows that the Respondent's intent in registering and using the disputed domain name was to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the INSTAGRAM trademark as to the source or endorsement of the platform featured on the Respondent's website. [WIPO Overview 3.1](#), section 3.1.4. The Panel notes the disclaimer on the website, however as stated in section 3.7 of the [WIPO Overview 3.1](#), where the overall circumstances of a case point to the respondent's bad faith, the mere existence of a disclaimer cannot cure such bad faith.

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 <snapinstagram.pro> be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: July 6, 2026