

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Benabdallah Abdellaoui, Smartinia GmbH  
Case No. D2026-2821

### **1. The Parties**

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

The Respondent is Benabdallah Abdellaoui, Smartinia GmbH, Austria, self-represented.

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

The disputed domain name <instadown.pro> is registered with OVH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 29, 2026. On June 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 1, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 1, 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 in English on July 3, 2026.

On July 1, 2026, the Center informed the Parties in German and English, that the language of the Registration Agreement for the disputed domain name is German. On July 3, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in German and English of the Complaint, and the proceedings commenced on July 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 29, 2026. The Respondent sent two email communications in English on July 30, 2026. Accordingly, the Center acknowledged receipt of the email communications.

The Center appointed Simone Huser as the sole panelist in this matter on August 4, 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, Instagram, LLC (also commonly known as "Instagram" or "Insta"), is a world-wide online photo- and video-sharing social-networking service and mobile application. The Complainant was launched in 2010 and was acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012. Today, Instagram is one of the leading social-networking services and mobile applications and has more than two billion monthly active accounts worldwide.

The Complainant holds the domain name <instagram.com> which hosts its main website.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

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

The disputed domain name was registered on April 4, 2026.

According to the evidence submitted with the Complaint, the disputed domain name resolved to a website entitled "InstaDown", which purports to offer a tool to download Instagram content, including photos, videos, stories and reels by prompting Instagram users to enter an Instagram URL into a box on the website, as well as similar services for third-party platforms, including TikTok and YouTube, and for the platform of the Complainant's related company Facebook. The website prominently displayed the Complainant's trademark and used the colour scheme adopted by the Complainant. In the meantime, the Respondent deleted the content posted under the disputed domain name.

#### **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 as follows:

The disputed domain name is confusingly similar to the registered trademark in which the Complainant has rights, because it incorporates the Complainant's mark INSTA in its entirety, and only differs by the term "down".

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no connection or affiliation with the Complainant, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the website at the disputed domain name purports to offer a tool, referred to as "InstaDown", to download content, including photos and videos from the Complainant's Instagram platform and features a pink/purple gradient logo that is similar to the gradient colour scheme of the Complainant's Instagram platform. The Respondent is using the disputed domain name to exploit the goodwill and reputation associated with the Complainant's INSTA and INSTAGRAM trademarks by creating a false impression of association with the Complainant.

The disputed domain name was registered and is being used in bad faith because it is obvious that the Respondent had knowledge of the Complainant's trademarks INSTA and INSTAGRAM at the time it registered the disputed domain name. This applies particularly in light of the fact that the disputed domain name resolves to a website that purports to provide a tool for the unauthorized downloading of Instagram content.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions, but indicated a willingness to delete or transfer the disputed domain name.

## **6. Discussion and Findings**

### **A. Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is German. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name resolves to a website the contents of which are entirely in English, which supports the inference that the Respondent has sufficient understanding of English, and the term "down" added to the Complainant's INSTA trademark is an English language term. To require the Complainant to translate the Complaint and supporting annexes into German would cause the Complainant to incur substantial additional costs and would cause unwarranted delay, contrary to the aim of the Policy of providing time- and cost-efficient means of addressing instances of abusive domain name registration and use.

The Respondent did not make any specific submissions with respect to the language of the proceeding but sent email communications in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **B. 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 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, "down", 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.

## **C. 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 notes that the Respondent's website purported to offer an unauthorized tool to download content from the Complainant's platform, as well as third party platforms. In this context, the Respondent's use of the Complainant's trademark and colour scheme, on the website falsely suggests an association with the Complainant and does not amount to a bona fide offering of goods or services under the Policy. Thus, the formulation of the disputed domain name, coupled with the website content entails a risk of implied affiliation with Complainant. The Panel also notes that Respondent did not come forward to identify any potential rights or legitimate interests but rather indicated a lack of interest in the disputed domain name.

The Panel finds the second element of the Policy has been established.

#### **D. 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.

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.

In the view of the Panel, noting that that the Complainant's INSTA and INSTAGRAM trademarks predate the registration of the disputed domain name and considering that the Complainant's trademarks are well-known, that its platform is also commonly referred to as "Insta" and that the disputed domain name resolved to a website featuring the Complainant's trademark, colour scheme, and references to Complainant's platform, it is obvious that the Respondent targeted the Complainant and its trademarks. In the circumstances of this case, this is evidence of registration and use in bad faith.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

#### **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 <instadown.pro> be transferred to the Complainant.

*/Simone Huser/*

**Simone Huser**

Sole Panelist

Date: August 18, 2026