

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Romit Kumar
Case No. D2026-2882

1. The Parties

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

The Respondent is Romit Kumar, India, self-represented.

2. The Domain Name and Registrar

The disputed domain name <instadpdownload.com> 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 July 1, 2026. On July 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 2, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 3, 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 July 7, 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 July 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 2, 2026. The Respondent sent email communications to the Center on July 9 and 13 and August 5, 2026.

The Center appointed Knud Wallberg as the sole panelist in this matter on August 11, 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 limited liability company headquartered in California, United States. It is a provider of a social media platform under the name and trademark INSTAGRAM, directed primarily to photo and video sharing.

The Complainant owns several registrations for the trademark INSTA inter alia the United States Trademark Registration No. 5,061,916, INSTA, registered on October 18, 2016 and European Union Trademark Registration No. 014810535, INSTA, registered on May 23, 2018, and also owns several registrations of the INSTAGRAM trademark inter alia International Registration No. 1129314, INSTAGRAM, registered on March 15, 2012; and – United States Trademark Registration No. 4146057, INSTAGRAM, registered on May 22, 2012.

The Complainant also holds several domain names, including the domain name <instagram.com>.

When the Complaint was filed the disputed domain name <instadpdownload.com> resolved to a website, which purported to provide a tool which enabled the user of the tool to download Instagram profile pictures from Instagram, and which referenced to the Complainant's INSTAGRAM trademark and logo.

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 <instadpdownload.com> consists of a misspelling of the Complainant's INSTAGRAM trademark by replacing the letters "gram" by "dp". Prior panels deciding under the UDRP have held that such a misspelling is insufficient to distinguish a domain name from the complainant's trademark. The disputed domain name <instadpdownload.com> also incorporates the Complainant's INSTA trademark as the leading element with the addition of the letters "dp" and the descriptive term "download" under the generic Top-Level Domain ".com".

The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a licensee of the Complainant, nor has the Respondent been authorized by the Complainant to make any use of its INSTA or INSTAGRAM trademark, in a domain name or otherwise. Furthermore, there is no evidence to suggest that the Respondent is commonly known by the disputed domain name, as contemplated by paragraph 4(c)(ii) of the Policy. The Respondent's name, Romit Kumar, does thus not bear any resemblance to the disputed domain name, and the Respondent's use of the disputed domain name for a website titled "Instagram DP Downloader", which purports to provide a tool which enables the users of the tool to download Instagram profile pictures from Instagram does not support any reasonable claim of having a legitimate interest in the disputed domain name itself, independent of the Complainant's trademark rights.

The Complainant finally submits that the disputed domain name was registered and is being used in bad faith. The Complainant's trademarks were well known throughout the world in connection with its main social networks at the time of registration of the disputed domain name so the Respondent could not credibly argue that it did not have prior knowledge of the Complainant's trademark at the time of registration of the disputed domain name. The Complainant submits that by using the disputed domain name as described above the

Respondent has intentionally attempted to attract Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not submit a full formal reply to the Complainant's contentions with a relevant certification as required by the Rules, but as mentioned above in section 3, the Respondent did submit six emails to the Complainant and to the Center, and in these communications, the Respondent rejected that the disputed domain name was registered and used in bad faith.

The Panel has evaluated all of the submissions filed by the Respondent and finds no conclusive evidence that would change the outcome of this decision.

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the statements and documents submitted by the Parties.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences there from as it considers appropriate.

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 the trademark INSTA 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, "dp" and "download", 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](#), 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 in the disputed domain name such as those enumerated in the Policy or otherwise.

Regarding the Respondents legitimate interests, the Panel finds that the use of the disputed domain name for a website that appears to offer a tool that provides the users with unauthorized access to and unauthorized collection of Instagram content does not constitute a legitimate interest, since it “may place the privacy and security of [*Facebook and*] Instagram users at risk as the downloaded content can be stored and later used for unauthorized purposes by third parties” as it was expressed by the Panel in *Meta Platforms, Inc. v. Muhammad Shahbaz*, WIPO Case No. [D2024-0288](#) regarding the domain name (<facebookvideodownloader.live>.)

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.

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 present case, the Panel notes that the Respondent without doubt had prior knowledge of the Complainant’s trademark at the time of registration of the disputed domain name, just as the Panel finds that the use of the dispute domain name for a website titled “Instagram DP Downloader”, which purports to provide a tool which enables the users of the tool to download Instagram profile pictures from Instagram constitutes bad faith use. The Panel finds that with such use of the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of 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 <instadpdownload.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: August 25, 2026