

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Eden Shwartz, Waving Sound
Case No. D2026-3062

1. The Parties

The Complainant is Instagram, LLC, United States of America ("United States"), represented by Ashurst Perkins Coie US LLP, United States.

The Respondent is Eden Shwartz, Waving Sound, Israel.

2. The Domain Name and Registrar

The disputed domain name <instapro-ai.com> 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 July 11, 2026. On July 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 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 July 16, 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 July 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2026. On August 6 and 9, 2026, the Respondent sent an email communications to the Center, asking whether the Complainant would agree to suspend the proceedings for settlement discussions purposes. On August 11, 2026, the Center asked the Parties whether they would like to explore settlement options. On August 12, 2026, the Complainant declared that it does not wish to

suspend the proceedings and requested that the proceedings continue. On August 12, 2026, the Respondent requested the four-calendar-day extension of the due date for Response under paragraph 5(b) of the Rules. The due date for Response was extended to August 16, 2026. On August 26, 2026, the Respondent sent an email communications to the Center requesting in essence that the Panel order the transfer of the disputed domain name based on the Respondent's unconditional consent to such transfer, without a substantive determination on the merits. On August 27, 2026, the Respondent sent an email communication to the Center requesting that its August 26, 2026 communication be treated as its Response and that its previous communications and evidence be provided to the Panel.

The Center appointed Andrea Mondini as the sole panelist in this matter on September 2, 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 three 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:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
INSTAGRAM	United States	4,146,057	May 22, 2012	9
	United States	5,299,119	October 3, 2017	42
<i>Instagram</i>	United States	4,795,634	August 18, 2015	9, 38, 41, 42, 45
INSTAGRAM	International Registration	1129314	March 15, 2012	9, 42
INSTA	European Union	018359602	February 9, 2023	9, 35, 38, 41, 42, 45

The Respondent sent several email communications to the Center and unconditionally consented to the transfer of the disputed domain name but claiming that the disputed domain name was registered in good faith without any intention to mislead Internet users or take advantage of the Complainant's trademark.

The disputed domain name was registered on June 18, 2025.

According to the evidence submitted with the Complaint, the disputed domain name resolved to a website prominently displaying the Complainant's trademarks and purporting to offer services to increase likes and followers for sale.

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 submits that the disputed domain name is confusingly similar to the INSTAGRAM and INSTA trademarks in which the Complainant has rights, because it incorporates the INSTA trademark in its entirety and the dominant part of the INSTAGRAM trademark, respectively, and the addition of the terms "pro" and "-ai" is not sufficient to avoid confusing similarity. Further, the Complainant submits that the Respondent had no rights or legitimate interests in respect to the disputed domain name; and that the disputed domain name had been registered and is being used in bad faith.

B. Respondent

The Respondent sent several email communications to the Center. In particular, in its email to the Center of August 26, 2026, the Respondent confirmed that: "The InstaPro-AI website and all related services were permanently taken offline. The InstaPro project was completely discontinued. We have no intention of using the InstaPro-AI name or domain name again. We unconditionally agreed to relinquish and transfer the domain name InstaPro-AI.com to the Complainant. We contacted GoDaddy and confirmed our willingness to transfer the domain. GoDaddy explained that the transfer cannot be completed while the domain remains locked under the pending UDRP proceeding. [...] For the avoidance of doubt, the Respondent does not oppose the transfer of InstaPro-AI.com to the Complainant and respectfully requests that the Panel order the transfer based on this unconditional consent, without a substantive determination on the merits."

6. Discussion and Findings

In its email of August 26, 2026 to the Center, the Respondent clearly requests that the Panel order the transfer based on its unconditional consent, without a substantive determination on the merits.

Section 4.10 of the [WIPO Overview 3.1](#) provides that:

"Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the 'standard settlement process' described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision on the merits, (iv) where there is ambiguity as to the scope of the respondent's consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights."

The Panel notes that the Respondent in its communication of August 6, 2026, claimed that the disputed domain name and website “were created in good faith, without any intention to mislead users, impersonate Instagram, suggest an official affiliation with Instagram, or infringe upon its rights”, but in the same communication the Respondent also indicated its willingness to transfer the disputed domain name. In such scenario, it is within a panel’s discretion to assess if it should proceed with a substantive decision based on the merits or order the requested remedy solely on the basis of the respondent’s consent.

The Panel further notes that later communications from the Respondent reiterated its consent to the transfer, particularly, the Respondent in its email communication of August 26, 2026 “requests that the Panel order the transfer based on this unconditional consent, without a substantive determination on the merits”.

In the circumstances of this case, the Panel in its discretion does not consider it necessary to address the merits (see *International Business Machines Corporation v. WhoisGuard Protected, WhoisGuard, Inc. / Raj Champaneri*, WIPO Case No. [D2018-1141](#)).

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 <instapro-ai.com> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: September 14, 2026