

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Krishna Kumar Sah, Instagrab HQ
Case No. D2026-3271

1. The Parties

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

The Respondent is Krishna Kumar Sah, Instagrab HQ, Nepal.

2. The Domain Name and Registrar

The disputed domain name <instagrabhq.com> is registered with Name SRS AB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 24, 2026. On July 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 27, 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 (Protected Protected, Shield Whois) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 27, 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 29, 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 August 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 26, 2026.

The Center appointed Alexandre Nappey as the sole panelist in this matter on September 1, 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 operates the well-known Instagram online social-networking service and mobile application. Launched in 2010, it allows users create and share photographs and videos.

The Complainant owns trademark registrations for INSTAGRAM and INSTA in numerous jurisdictions, including:

- United States Trademark Registration No. 4146057 for INSTAGRAM, registered on May 22, 2012, and
- European Union Trademark Registration No. 018359602 for INSTA, registered on February 9, 2023.
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The Complainant also operates its principal website at “www.instagram.com”.

The disputed domain name was registered on September 3, 2025. The Registrar disclosed the underlying registrant as Krishna Kumar Sah and the organization as “Instagrab HQ”.

The record contains dated captures showing that the disputed domain name resolved to a website branded “InstaGrabHQ” and headed “Instagram Video Downloader”. The website invited users to paste an Instagram URL in order to download videos, reels, and stories from Instagram. It described the service as free and included statements such as “Download as many Instagram videos as you want, with no limits and no hidden fees”. The captured landing page also exposed a substantial amount of server-side source code before the website content.

At the bottom of the website, after the service description and frequently asked questions, appeared the statement: “Disclaimer: This tool is not affiliated with Instagram. We do not host any of the media content on our servers.”

A VirusTotal report in the record, reflecting an analysis dated June 27, 2026, shows that several security vendors classified the domain name as malicious, phishing, or malware, while many other vendors classified it as clean. The Panel treats this evidence as vendor classifications of the disputed domain name and not, by itself, as conclusive proof that the Respondent actually distributed malware.

The Complainant asserts that it sent trademark notices to the Registrar and privacy-service contact address on October 20 and October 28, 2025, respectively requesting that use of the disputed domain name cease. The record contains no reply from the Respondent.

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.

The Complainant submits that the disputed domain name is confusingly similar to its INSTAGRAM and INSTA marks. It argues that “instagrab” differs from INSTAGRAM by only the substitution of the final letter “m” with “b”, while the INSTA mark is reproduced in its entirety, and that the addition of “hq” does not prevent a finding of confusing similarity.

The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is neither authorized nor affiliated with the Complainant and uses the disputed domain name for an unauthorized downloader service that targets the Complainant and creates a risk of implied affiliation. The Complainant also relies on its Terms of Use, Developer Policies, and Brand Guidelines.

Finally, the Complainant contends that the Respondent registered and uses the disputed domain name in bad faith, with knowledge of the Complainant's marks, in order to attract Internet users to a service centered on Instagram content. It further contends that the disputed domain name may be used to spread malware, to enable spam, to harvest personal data from the Complainant's platform, to steal users' account credentials, or for other illegal activities. It also relies on the security-vendor classifications, the Respondent's failure to answer the trademark notices, and the use of a privacy service.

B. Respondent

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

6. Discussion and Findings

The Respondent's default does not by itself establish the Complainant's case or constitute an admission that all allegations are accurate. The Complainant retains the burden of proving all three elements of paragraph 4(a) of the Policy. The Panel may nevertheless draw appropriate inferences where the record calls for an explanation that the Respondent has not supplied. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of the INSTAGRAM and INSTA trademarks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The INSTA mark is reproduced in its entirety at the beginning of the disputed domain name. The additional terms "grab" and "hq" do not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), sections 1.7 and 1.8.

The disputed domain name may also be perceived as a play on, or one-letter variation of, the INSTAGRAM mark, with "b" replacing the final "m". [WIPO Overview 3.1](#), section 1.9.

The generic Top-Level Domain ".com" is disregarded as a standard registration requirement. [WIPO Overview 3.1](#), section 1.11.1. See also *Instagram, LLC v. taras kolodnyi*, WIPO Case No. [D2025-4465](#) (<instagrabapp.com>).

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 the disputed domain name.

Although the overall burden of proof is on the Complainant, where a Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production shifts to the Respondent to come forward with relevant evidence, while the burden of proof remains on the Complainant. [WIPO Overview 3.1](#), section 2.1.

The Complainant has not authorized the Respondent to use its marks and there is no evidence that the Respondent owns relevant trademark rights. The Registrar's identification of the Respondent's organization as "Instagrab HQ" does not, without independent and credible evidence of genuine use of that name apart from the disputed domain name and the challenged website, establish that the Respondent was commonly known by the disputed domain name within paragraph 4(c)(ii) of the Policy. [WIPO Overview 3.1](#), section 2.3.

The website's subject matter makes use of the Complainant's mark referential. However, the composition "insta" plus "grab" and "hq" – which is commonly understood as a reference to "headquarters" – coupled with the prominent heading "Instagram Video Downloader", suggests an official or endorsed service rather than clearly signaling an independent third-party tool. The disclaimer appears in small font only at the bottom of the lengthy page and does not overcome the overall impression created by the disputed domain name and the website. [WIPO Overview 3.1](#), sections 2.5.1 and 2.5.2.

For completeness, even if the Oki Data principles (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) were applied, the Respondent would not prevail because the disputed domain name and the website's presentation do prominently disclose the lack of a relationship with the trademark owner. [WIPO Overview 3.1](#), section 2.8. See also *Instagram, LLC v. taras kolodnyi*, supra; *Instagram, LLC v. Muhammad Noor*, WIPO Case No. [D2026-3055](#), concerning another unaffiliated Instagram content-downloading service and a disclaimer that did not cure a respondent's use that otherwise took unfair advantage of the likelihood of confusion.

The Respondent has not rebutted the Complainant's prima facie showing and has not supplied any evidence of circumstances under paragraph 4(c) of the Policy or otherwise. The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

For the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) sets out non-exclusive circumstances evidencing registration and use in bad faith. More generally, bad faith occurs where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. [WIPO Overview 3.1](#), section 3.1.

The Respondent's awareness of the Complainant and its marks at registration is manifest. The disputed domain name combines the Complainant's INSTA mark with terms apt to describe acquiring Instagram content and an apparent reference to "headquarters". The website then repeatedly identifies Instagram and offers a tool dedicated to downloading content from the Complainant's platform. There is no plausible basis on this record to regard the selection as coincidental.

The same facts establish bad-faith use. The Respondent uses the disputed domain name to attract users interested in Instagram content to a website that traded on the Complainant's marks and goodwill while suggesting a degree of official connection that did not exist. The exposed code and the mixed security-vendor classifications add to the concerns arising from the site, although the Panel does not need to find that malware was actually distributed in order to decide the case. The Respondent offered no evidence-backed explanation for its choice or use of the disputed domain name. These circumstances demonstrate targeting and unfair exploitation of the Complainant's marks. [WIPO Overview 3.1](#), sections 3.1 and 3.2.1. See *Instagram, LLC v. taras kolodnyi*, supra; *Instagram, LLC v. Muhammad Jawad Khan*, WIPO Case No. [D2025-0696](#) (<instadpdownloads.com>); and *Instagram, LLC v. Muhammad Noor*, supra, finding deliberate targeting in a materially similar Instagram content-downloading context.

The disclaimer does not alter that conclusion. It was not prominent and, where the overall circumstances point to bad faith, the mere existence of a disclaimer cannot cure that bad faith. [WIPO Overview 3.1](#), section 3.7. See also *Instagram, LLC and Facebook Inc. v. Domains By Proxy, LLC / vaibhav rajput, careernjobs group*, WIPO Case No. [D2021-1121](#).

Unlike the website in *Instagram, LLC v. Muhammad Noor*, supra, the present record does not show that the website charged users or displayed advertising; indeed, it described the service as free. The examples in paragraph 4(b) are non-exclusive, and the evidence of intentional targeting and unfair exploitation described above is sufficient under paragraph 4(a)(iii). [WIPO Overview 3.1](#), sections 3.1 and 3.2.1.

The Panel does not treat the use of a privacy service, standing alone, as evidence of 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 <instagrabhq.com> be transferred to the Complainant.

/Alexandre Nappey/

Alexandre Nappey

Sole Panelist

Date: September 14, 2026