ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Instagram LLC v. licheng gui
Case No. D2026-3600

1. The Parties

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

The Respondent is licheng gui, China.

2. The Domain Name and Registrar

The disputed domain name <instagramtomp4.app> is registered with CloudFlare, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 12, 2026. On August 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (Data Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 17, 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 August 21, 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 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2026. The Respondent sent an email communication to the Center on September 17, 2026. On September 25, 2026, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on September 30, 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 the provider of a global online photo- and video-sharing social-networking service and mobile application.

The Complainant is the owner of numerous trademark registrations for INSTAGRAM in many jurisdictions throughout the world, including US Reg. No. 4146057 registered on May 22, 2012; International trademark Reg. No. 1129314 registered on March 15, 2012; and India trademark Reg. No. 2645896 registered on November 7, 2018.

The Complainant is also the registrant of many domain names consisting of or including the INSTAGRAM trademark.

The disputed domain name was registered on April 9, 2026, and resolves to a website displaying the Complainant's logo and color scheme that offers an unauthorized, video downloader service and appears to be a modified version of the Complainant's Instagram platform.

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 points out that the disputed domain name wholly incorporates and is effectively identical to its INSTAGRAM trademark, which is followed by the nondistinctive terms "to" and "mp4". The Complainant contends that the addition of the terms "to" and "mp4" does not prevent a finding of confusing similarity with its INSTAGRAM trademark, which is clearly recognizable in the disputed domain name. The Complainant further contends that the addition of "to" and "mp4" adds to the confusing similarity by directly referencing the downloading and conversion of Instagram content to MP4 video format, reinforcing consumer association with the Complainant's platform and services.

The Complainant asserts that there is no evidence that suggests that the Respondent is commonly known by the disputed domain name or has any rights in it independent of the Complainant's well-established trademark rights. The Complainant says that to the best of its knowledge, the Respondent has neither acquired nor applied for a trademark registration for "INSTAGRAM TO MP4" or any variation thereof as reflected in the disputed domain name, nor could anybody else have such rights given the Complainant's uncontested rights in the mark INSTAGRAM. The Respondent is not a licensee of the Complainant, nor is he affiliated with the Complainant in any way. The Complainant adds that it has not authorized the Respondent to make any use of its INSTAGRAM trademarks, whether in a domain name or mobile app, nor the use of its logos on a website, or otherwise.

The Complainant indicates that prior UDRP panels have found that it cannot constitute fair use where a respondent effectively impersonates or suggests sponsorship or endorsement by a trademark owner, and the formulation of the disputed domain name coupled with the Respondent's website content specifically targeting the Complainant, entails a high risk of implied affiliation with the latter. The Complainant adds that respondents who knowingly adopt a third party's well-known trademark as a domain name cannot claim the benefit of Paragraph 4(c)(i) of the Policy to establish rights to it, based

merely on using it to offer putative goods or services prior to the notice of a dispute.

The Complainant further asserts that the *Oki Data* test under *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case D2001-0903 does not apply as the Complainant's does not authorise the Respondent to use the Complainant's trademarks in the disputed domain name in any manner. It expressly prohibits the sort of derivatively named "Instagram to MP4" services that the Respondent purports to offer. Even if the *Oki data* test did apply, the Complainant says that none of the factors are satisfied, as the Respondent is not providing legitimate sales or repairs in relation to a product provided by the Complainant. The Complainant asserts that unauthorized third-party websites and services similar to the Respondent's putative "Instagram to MP4" services are associated with illegal activities, which include malware and viruses, the scraping of private information and content from the Complainant's platforms, and phishing for user login credentials to hack accounts of the Complainant's customers. Secondly, the Complainant points out that the Respondent is not using the disputed domain name to offer services exclusively related to the Complainant's INSTAGRAM trademark: the Respondent's website states "Copy the video link from Instagram, TikTok, Twitter, or YouTube". Thirdly, the Complainant points out that the Respondent does not prominently disclose their lack of relationship with the Complainant despite repeatedly making prominent use of the INSTAGRAM trademark. The Complainant says that the Respondent has published an easily-missed and therefore ineffective disclaimer, in small font, that reads "© 2026 Instagram to MP4 · Not affiliated with Instagram".

In relation to bad faith registration and use, the Complainant says that the Respondent knew of the Complainant's rights to the INSTAGRAM trademarks when it registered the disputed domain name. The Complainant asserts that its INSTAGRAM trademark is inherently distinctive and well-known throughout the world and has been continuously and extensively used since 2010, and is exclusively associated with the Complainant. All the results obtained by typing the term "Instagram" into the Google search engine available at "www.google.com" refer to the Complainant. The latter therefore argues that it is inconceivable for the Respondent to argue that they were not aware of the Complainant's INSTAGRAM trademarks when they registered the disputed domain name on April 9, 2026. Moreover, the Complainant says, the disputed domain name and the Respondent's website content are so obviously connected with the Complainant and its INSTAGRAM trademarks and services that such use by the Respondent, who has no connection to the Complainant, suggests opportunistic bad faith. Further, the Complainant says that in choosing a domain name that so closely resembles the Complainant's INSTAGRAM trademark to promote an unauthorized, derivative, competing service, the Respondent is taking advantage of the Complainant's mark for commercial gain, which supports a finding of bad faith under UDRP Policy paragraph 4(b)(iv).

The Complainant adds that the Respondent's unauthorized downloader services promoted via 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, placing the security of Instagram users at risk. The Complainant points out that prior UDRP panels have held that such activities amount to use in bad faith. Additionally, the Complainant says that Respondent never replied to any correspondence from the Complainant, where numerous panels have concluded that failure to answer cease-and-desist suggests both an absence of legitimate interests or rights and use in bad faith.

Finally, the Complainant says that the Respondent's use of a proxy service or selection of a registrar with default proxy services, strongly suggests an attempt to prevent or frustrate a UDRP proceeding and therefore constitutes additional evidence of bad faith at the time of registration of the disputed domain name.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions; however, the Respondent consented unconditionally to the transfer of the disputed domain name to the Complainant. The latter did not seek suspension of the proceeding in reply.

6. Discussion and Findings

6.1. Preliminary issues – Consent to Transfer

The Panel notes that the Respondent has unconditionally consented to the transfer of the disputed domain name. 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. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.10. In the circumstances of this case, including inter alia the misleading and competing use of the Complainant's trademarks, the Panel considers it appropriate to render a decision on the merits. The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

6.2. Substantive matters

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. WWIPO 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 registered trademark of the Complainant, that being INSTAGRAM, is recognizable in the disputed domain name. Although the addition of other terms here, "tomp4", 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 Respondent is not known by the disputed domain name, has not previously acquired trademark rights in the term INSTAGRAM, and is not authorized to use the INSTAGRAM trademark that belongs to

the Complainant in any way.

Panels have held that the use of a domain name for illegitimate activity, here the establishment of a site designed to falsely suggest an affiliation with the Complainant providing potentially detrimental interactions to Internet users can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 has registered a domain name that incorporates the distinctive and widely known INSTAGRAM trademark of the Complainant. It is apparent from the combination of that term with "tomp4" and the nature of the connected website, that the Respondent deliberately targeted a term that he was well aware is a trademark in which the Complainant has exclusive use. The website to which the disputed domain name resolves is a site that replicates the branding of the Complainant, and actively seeks to deceive Internet users into concluding that it is operated by the Complainant or a site where the Complainant offers certain services related to its Instagram business. Panels have held that the use of a domain name for illegitimate activity, here the establishment of a site designed to falsely suggest an affiliation with the Complainant, with potential for the distribution of malware, for phishing, data scraping, and other outcomes adverse to Internet users' interests, constitutes 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 <instagramtomp4.app> be transferred to the Complainant.

/William A. Van Caenegem/
William A. Van Caenegem
Sole Panelist
Date: October 14, 2026