

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Railway Corporation

Case No. D2026-4015

1. The Parties

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

The Respondent is Railway Corporation, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <instabrowser.live> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 7, 2026. On September 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 8, 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 FOR PRIVACY, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 September 14, 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 September 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 7, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on October 14, 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 company that operates an online photo and video sharing social-networking application. Since its launch in 2010, the Complainant, whose name is commonly abbreviated as “Insta”, has acquired considerable goodwill and renown worldwide. Acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012, the Complainant operates a photo and video sharing and editing software and online social network, with over 3 billion monthly active accounts worldwide.

The Complainant owns a number of registered trademarks in the United States and in jurisdictions worldwide for its INSTA trademark, including: INSTA, United States Trademark Registration No. 5,061,916, registered on October 18, 2016; and INSTA, European Union Trademark No. 014810535, registered on May 23, 2018 (hereinafter collectively referred to as the “INSTA Mark”).

The Complainant also owns registered trademarks in the United States and in jurisdictions worldwide for its INSTAGRAM trademark, including: INSTAGRAM, International Registration No. 1129314, registered on March 15, 2012; INSTAGRAM, United States Trademark Registration No. 4,146,057, registered on May 22, 2012; and INSTAGRAM, European Union Trademark No. 014493886, registered on December 24, 2015. In addition, the Complainant holds numerous figurative trademark registrations for its logos, including: European Union Trademark No. 016039828, registered on May 3, 2017; and United States Trademark Registration No. 6085946, registered on June 23, 2020.

The Complainant registered the domain name <instagram.com>, which resolves to the Complainant's official website at “www.instagram.com”. In addition, the Complainant registered and operates numerous other domain names consisting of the INSTAGRAM trademark in combination with various generic and country code Top-Level Domains.

The Disputed Domain Name was registered on April 9, 2026, and resolves to a website titled “Instagram Browser”, which impersonates the Complainant's Instagram platform and invites Internet users to log in or create an account. Once logged in, users are prompted to copy and paste their complete Instagram cookie string into a designated input field. The Respondent's website also provides step-by-step instructions explaining how users can submit their Instagram cookie string. The Respondent's website features the Complainant's logo and graphics with a similar gradient color scheme to that of the Complainant's Instagram platform. The Respondent's website claims to offer services for scraping Instagram and TikTok accounts. Screenshots of the Respondent's website were submitted by the Complainant as Annex 11 to the Complaint.

On June 19, 2026, in an attempt to resolve this matter amicably, the Complainant's lawyers submitted a Registrar registrant contact form notice, but no response was received according to the available record.

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 is confusingly similar to the Complainant's INSTA Mark because the Disputed Domain Name contains the INSTA Mark in its entirety, followed by the term "browser", and then followed by the generic Top-Level Domain ("gTLD") ".live", which does not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, among other things, the Complainant has not authorized the Respondent to register a domain name containing the INSTA Mark, and the Respondent has never been commonly known by the Disputed Domain Name; and
- the Disputed Domain Name was registered and is used in bad faith because, among other things, the Respondent used the Disputed Domain Name to impersonate the Complainant or to suggest sponsorship or endorsement by the Complainant for the purpose of deceiving unsuspecting consumers, and the Respondent must have been aware of the INSTA Mark when it registered the Disputed Domain Name.

The Complainant seeks the transfer of the Disputed Domain Name in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the Disputed Domain Name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the INSTA Mark as explained below.

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the INSTA Mark based on its use as well as its registered trademarks for the INSTA Mark in the United States and jurisdictions worldwide. The consensus view of panels is that "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". See [WIPO Overview 3.1](#), section 1.2.1. Therefore, the Panel finds that the Complainant has rights in the INSTA Mark.

The Disputed Domain Name consists of the INSTA Mark in its entirety followed by the term “browser”, then followed by the gTLD “.live”. The test for confusing similarity involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Here, the INSTA Mark is recognizable within the Disputed Domain Name. As stated in section 1.8 of [WIPO Overview 3.1](#), “where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive or otherwise) would not prevent a finding of confusing similarity under the first element”. Thus, the addition of the term “browser” to the Complainant’s INSTA Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. [D2011-0795](#); and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#).

Finally, the addition of a gTLD such as “.live” in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.1](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s INSTA Mark.

Based on the available record, the Panel finds that 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant’s prima facie case. Furthermore, and based on the available record, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its INSTA Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

The principal objective of the Respondent’s website was to offer a scraping service to scrape content from the Complainant’s Instagram platform. The Panel thus determines that the Respondent was not making a bona fide offering of goods nor a legitimate noncommercial or fair use of the Disputed Domain Name but rather was using the Disputed Domain Name likely for commercial gain. In this case, the Respondent’s website had a nearly identical gradient color scheme to that of the Complainant, plus the Respondent, without authorization, prominently displayed the INSTA Mark and logo on its website, thus demonstrating that the Respondent lacked rights or legitimate interests in respect of the Disputed Domain Name.

The Panel also concludes that the use of the Disputed Domain Name does not constitute fair use. A core factor in assessing whether the Respondent's use of a domain name is fair is whether it falsely suggests affiliation with the trademark owner. Prior UDRP panels have found that where a domain name consists of a trademark together with an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.1](#), section 2.5.1. In this case, the Disputed Domain Name incorporates the Complainant's INSTA Mark followed by the term "browser". Therefore, the Disputed Domain Name carries a risk of implied affiliation, is likely to be read as referring directly to the Complainant and does not constitute fair use.

In sum, the Panel finds that the Complainant has established an un rebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Based on the available record, the Panel finds that 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.

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy. 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.

The Disputed Domain Name incorporates the INSTA Mark in its entirety, followed by the term "browser", and resolves to the Respondent's website, which displays the Complainant's INSTA Mark and logo. The Panel, therefore finds that the Respondent had actual knowledge of the Complainant and its rights in the INSTA Mark when registering the Disputed Domain Name, which is indicative of bad faith.

The Panel also finds that the registration of a domain name that reproduces a trademark in its entirety (being identical or confusingly similar to such trademark) by an individual or entity that has no relationship to that mark, without any reasonable explanation on the motives for the registration, may be suggestive of opportunistic bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#).

Moreover, the use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Name indicates that such registration and use had been done for the specific purpose of trading upon and targeting the reputation, name, mark, and goodwill of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain").

Finally, the Panel concludes that the Respondent's registration of the Disputed Domain Name was an attempt to disrupt the Complainant's business. The Respondent's use of the Disputed Domain Name was also likely to confuse Internet users into incorrectly believing that the Respondent was authorized by or affiliated with the Complainant.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <instabrowser.live> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: October 28, 2026