

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Gamal Eldin Mohamed Reda, Mobile9  
Case No. DCO2025-0019

### **1. The Parties**

The Complainant is Instagram, LLC, United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is Gamal Eldin Mohamed Reda, Mobile9, Egypt.

### **2. The Domain Name and Registrar**

The disputed domain name <instadownloader.co> 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 February 26, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 2025, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 2025, 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 March 8, 2025.

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 March 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 1, 2025.


The Center appointed Andrea Mondini as the sole panelist in this matter on April 7, 2025. 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 two 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	1129314	March 15, 2012	9, 42
INSTA	European Union	018359602	February 9, 2023	9, 35, 38, 41, 42, 45

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain name was registered on June 30, 2018.

According to the evidence submitted with the Complaint, the disputed domain name resolves to a website titled “Instagram Video/Photo Downloader” that purports to offer an unauthorized service that allows users to download content from the Complainant’s Instagram platform and includes the following wording: “By using Instagram Video Downloader you can download videos and photos from Instagram on your directly to your phone (iPhone, Android device, Pc, or Mac) 100% FREE.”

The Respondent’s website makes prominent reference to the Complainant’s INSTAGRAM trademark and features a similar version of the Complainant’s Instagram logo and figurative trademark on the website itself and as a favicon.

#### 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 as follows:

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 first part of the INSTAGRAM trademark, respectively, and the addition of the term “downloader” is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use these trademarks, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the Respondent's website purports to offer an unauthorized tool that allows users to download content from the Complainant's Instagram platform, which does not amount to a bona fide offering of goods or services. The Respondent's use of the disputed domain name does not comply with the Instagram Terms of Use that prohibit to "attempt to access or collect information in unauthorized ways".

The trademarks INSTAGRAM and INSTA have been extensively used to identify the Complainant and its services. The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademarks INSTAGRAM and INSTA at the time it registered the disputed domain name. The Respondent's intent to target the Complainant when registering the disputed domain name may be inferred from the contents of the Respondent's website, which makes explicit reference to the Complainant's INSTAGRAM and INSTA trademarks.

The Respondent is using the disputed domain name in bad faith, by intentionally attempting to attract for financial 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 the Respondent's website.

## **B. Respondent**

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

In response to a notice sent by the Complainant to the Respondent through the Registrar and hosting provider, complaining that the disputed domain name and the website posted thereunder create a likelihood of confusion, the Complainant received on October 18, 2024 a response alleging in particular that the Respondent's website "does not use any trademarks, logos or other intellectual property owned by Instagram or Meta" and that the disputed domain name is being used in good faith and does not intend to cause confusion.

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 has been registered and is being used in bad faith.

### **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 Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the INSTA mark is reproduced within the disputed domain name <instadownloader.co>. Also, the INSTAGRAM mark is clearly recognizable within the disputed domain name, considering in particular that the Complainant's platform is also commonly referred to as "Insta".

Although the addition of other terms such as here “downloader” may bear on assessment of the second and third elements, the Panel finds that in the present case the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the Top-Level Domain “.co” in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

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 for a complainant to prove 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 3.0](#), 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.

In these proceedings, 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.

Even considering the arguments raised in the response email received by the Complainant on October 18, 2024, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name: In that email, it was alleged that the Respondent’s website “does not use any trademarks, logos or other intellectual property owned by Instagram or Meta”, and that the disputed domain name is being used in good faith and does not intend to cause confusion. However, the evidence submitted with the Complaint shows that the website posted under the disputed domain name does actually use the INSTAGRAM and INSTA trademarks and a logo similar to the Complainant’s logo. Moreover, the statement in that email that the disputed domain name is allegedly being used in good faith and does not intend to cause confusion, is unjustified for the following reasons:

Prior UDRP panels have recognized that service providers using a domain name that contains a third-party trademark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name. Whether or not this is the case is typically assessed based on the factors listed in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) and [WIPO Overview 3.0](#), section 2.8:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trade marked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark.

The Panel notes that the Respondent's website purports to offer an unauthorized tool that allows users to download content from the Complainant's Instagram platform. In this context, the Respondent's use of the Complainant's trademarks, including a modified version of the Complainant's figurative mark, on the website and as a favicon falsely suggests an association with the Complainant and does not amount to a bona fide offering of goods or services under the Policy. The Respondent's website features a disclaimer containing the following sentence: "All Instagram TM logos and trademarks displayed on this application are property of Instagram". In the Panel's view, this disclaimer is not only insufficiently prominent but also fails to disclose the lack of relationship between the Respondent and the Complainant. The mere disclaimer that the trademarks are property of Instagram is insufficient, because it suggests that the Respondent is using those trademarks under a license, which in fact is not the case.

In any event, the disputed domain name in itself suggests a connection or affiliation between the Complainant and the Respondent which in fact does not exist.

Based on the available record, 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 3.0](#), section 3.2.1.

In the view of the Panel, noting that that the Complainant's INSTAGRAM trademark predates the registration of the disputed domain name and considering that the Complainant's trademark is well-known, that its platform is also commonly referred to as "Insta" and that the disputed domain names resolve to a website featuring the Complainant's trademarks and references to its services, it is obvious that the Respondent targeted the Complainant when it registered the disputed domain name. In the circumstances of this case, this is evidence of registration in bad faith.

The Panel holds that by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its websites in the sense of Policy, paragraph 4(b)(iv).

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

## **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 <instadownloader.co> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: April 21, 2025