

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. social formula
Case No. DCO2025-0024

1. The Parties

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

The Respondent is social formula, Sri Lanka.

2. The Domain Name and Registrar

The disputed domain name <buyinstagramfollower.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 March 10, 2025. On March 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 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 (Redacted for Privacy, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 12, 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 amended Complaint on March 17, 2025.

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 March 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 9, 2025.

The Center appointed Andrea Jaeger-Lenz as the sole panelist in this matter on April 28, 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 operates a world-renowned online photo-and video sharing social-networking service and mobile application by the name of INSTAGRAM. It was launched in 2010 and was acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012. In 2022, the Complainant's INSTAGRAM application was the second most downloaded app worldwide with 548 million installations globally. Nowadays, the Complainant has more than 2.4 billion monthly active accounts worldwide (Annex 5 of the Complaint).

The Complainant owns, amongst others, the following trademarks (Annex 9 of the Complaint):

- International registration ("IR") trademark no. 1129314 INSTAGRAM (word), registered on March 15, 2012, for goods and services in Classes 9 and 42, with designations of Australia, Switzerland, the European Union ("EU"), Israel, Japan, Republic of Korea, Norway, Singapore and Türkiye;
- United States of America ("US") trademark no. 4146057 INSTAGRAM (word), registered on May 22, 2012, for goods in Class 9.

The Complainant owns numerous domain names consisting of or comprising the term "instagram", including <instagram.com> (Annexes 4 and 7 of the Complaint).

The disputed domain name was registered on March 18, 2024. It redirects to the website "www.buyinstagramfollower.co" which resolves to a website that purports to offer for sale "followers", "likes" and "views" for the Complainant's INSTAGRAM application for a price between USD 0.99 (for 100 followers or likes or 1,000 views) and 8.99 USD (for 1,000 followers or likes). The website also purports to offer for sale "likes" on the Facebook platform of the Complainant's related company, Meta Platforms Inc., as well as "likes", "followers", "subscribers", "comments" or "views" on third party platforms such as Twitter, Spotify, YouTube, TikTok and Soundcloud (Annex 10 of the Complaint).

On January 31, 2025, the Complainant sent a cease-and-desist letter via email to the Respondent via email and submitted a contact form notice via the Registrar to the Respondent, to which the Respondent did not respond. (Annex 13 of the Complaint).

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 on the first element that it owns trademark registrations for INSTAGRAM and has therefore established trademark rights. The disputed domain name comprises its INSTAGRAM trademark in its entirety. According to the Complainant, the addition of the terms "buy" and "follower" does not prevent a finding of confusing similarity with the Complainant's INSTAGRAM trademark, which remains clearly recognizable in the disputed domain name. The country code Top-Level Domain ("ccTLD") may, so the Complainant says, be disregarded for the purposes of assessing confusing similarity, as it is a standard registration requirement.

On the second element, the Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Complainant authorized the Respondent to

use its trademarks. There is no evidence that the Respondent is commonly known by the disputed domain name. The Complainant states that the Respondent registered the disputed domain name using a proxy service (Annex 1 of the Complaint). The identity of the underlying Registrant, "social formula" does not bear any resemblance to the Respondent's disputed domain name. Moreover, the Complainant states that the Respondent has not acquired, or applied for trademark registration for "Instagram", "buyinstagramfollower", or any variation thereof, as reflected in the disputed domain name. In addition, the Respondent is neither a licensee, nor is it affiliated with the Complainant in any way. The Respondent is using the disputed domain name to redirect to the website "www.buyinstagramfollower.co" where, so the Complainant submits, the Respondent is making specific reference to "INSTAGRAM" and featuring the Complainant's logo and figurative trade mark, as well as a pink/purple colour scheme that is very similar to the Complainant's gradient colour scheme (Annexes 9 and 10 of the complaint), falsely suggesting affiliation with the Complainant. In addition, so the Complainant states, the Respondent is making unauthorized use of the Complainant's trademark to offer for sale its own ancillary services, namely selling Instagram "followers", "likes" and "views". For these types of services, according to the Complainant, none of the Oki Data criteria as per WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.8, under which a bona fide offering might be given, are present in the case at hand. In particular, the Respondent is not providing services for the proper use of the Complainant's product, but, in contrast, purports to provide unauthorized and illegitimate services that are likely to involve creating fake accounts or hacking into existing accounts. These services, says the Complainant, violate the Complainant's terms of use (Annexes 11 and 12 of the Complaint). The Complainant further submits that the Respondent's illegitimate services damage the functionality and intended operation of the Instagram platform. Accordingly, the Complainant concludes, there is no bona fide use of the disputed domain name.

On the third element, the Complainant submits that the Respondent has registered and is using the disputed domain name in bad faith. As to registration in bad faith, the Complainant claims that its INSTAGRAM trademark is inherently distinctive and has become well known throughout the world through continuous and extensive use since its launch in 2010 (Annex 6 of the Complaint). Furthermore, the Respondent's use of a proxy service and failure to answer to a preprocedural warning (Annex 13 of the Complaint) underline, so the Complainant claims, the Respondent's bad faith. As to use in bad faith, the Complainant submits that the Respondent is using the disputed domain name to exploit the goodwill and reputation attached to the Complainant's trademark for commercial gain by attracting Internet users to its website and offering them illegitimate services that damage the functionality and intended operation of the Instagram platform, as well as by intentionally creating a false impression of association with the Complainant. Additionally, the Respondent's activities likely involve the creation of fake Instagram accounts or hacking into existing accounts, which underlines, so the Complainant claims, the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

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 3.0](#), 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. In particular, it has shown rights in the trademark INSTAGRAM.

The entirety of the Complainant's trademark is reproduced within the disputed domain name. In addition, the Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “buy” and “follower”, may bear on assessment of the second and third elements, previous Panels have consistently held that a domain name is identical or confusingly similar to a trademark for purposes of the Policy “when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name.” *Instagram, LLC v. 赵坤 Zhao Kun*, WIPO Case No. [D2022-0454](#). [WIPO Overview 3.0](#), section 1.8.

Further, it is well accepted that the addition of the ccTLD, here “.co”, is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Consequently, 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 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. 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 Panel agrees with earlier Panel views that the use of a domain name for a website falsely suggesting affiliation with the trademark owner that purports to be able to supply individuals with the Complainant’s Instagram “likes” and/or “followers” cannot constitute any legitimate or fair use. *Instagram, LLC v. Privacy Protect, LLC (PrivacyProtect.org) / Elnur Alizade*, WIPO Case No. [D2021-1845](#).

Therefore, 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 used the disputed domain name in bad faith, by creating a false impression of association with the Complainant, to offer illegitimate services that damage the functionality and intended operation of the Complainant’s Instagram platform.

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.

Upon review of the case record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. In assessing this, the Panel notes that the Respondent has used the disputed domain name to attract, for commercial gain, Internet users to a website by creating confusion in the minds of the public as to an association with the Complainant via the content of the website, to which the disputed domain name resolves, namely a similar colour scheme and use of the Complainant's trademark. Furthermore, the Respondent has used the disputed domain name to operate a website that purports to be able to supply individuals with Instagram "likes", "followers" and "views". The Panel agrees with earlier panel views that if such services are not offered for real, then the Respondent is engaging in fraudulent conduct. However, if such services are offered for real, then the Respondent, in providing these followers, likes and views, is engaged in the process of making up fake accounts and/or hacking into existing accounts. *Instagram, LLC v. Rahman Shaikh*, WIPO Case No. [D2023-1247](#). As a result, the Panel finds that the Respondent's services are likely to be qualified as fraud or illegitimate conduct. Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In conclusion, 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 <buyinstagramfollower.co> be transferred to the Complainant.

/Andrea Jaeger-Lenz/

Andrea Jaeger-Lenz

Sole Panelist

Date: May 12, 2025