

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Muhammad Arslan

Case No. DCO2025-0054

1. The Parties

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

The Respondent is Muhammad Arslan, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <instagrampro.net.co> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 11, 2025. On July 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 16, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 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 July 21, 2025.

The Center verified that the Complaint together with the amendment to 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 July 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 15, 2025.

The Center appointed Mariia Koval as the sole panelist in this matter on August 19, 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 is an American company which operates the “Instagram” social networking service, which enables its users to create their own personal profiles, post photos and videos, and connect with each other on their mobile devices. Since its launch in 2010, Instagram has rapidly acquired and developed considerable goodwill and renown worldwide. Acquired by Meta Platforms, Inc. in 2012, the Complainant is today one of the world’s fastest growing photo and video sharing and editing software and online social network, with more than 2 billion monthly active accounts worldwide. Instagram has consistently ranked among the top “apps” for mobile devices, including for iOS and Android operating systems. Instagram has been the recipient of numerous awards, including “App of the Year” in 2011 from Apple Inc. Instagram is currently the second most downloaded app worldwide, according to Forbes.

The Complainant is the owner of a number of INSTAGRAM trademark registrations (the “INSTAGRAM Trademark”) throughout the world, among which are:

- International Trademark Registration No. 1129314, registered on March 15, 2012, in respect of goods and services in classes 9 and 42;
- United States Registration No. 4146057, registered on May 22, 2012, in respect of goods in class 9;
- European Union Trade Mark No. 014493886, registered on December 24, 2015, in respect of goods and services in classes 35, 38, 41, and 45.

The Complainant operates, among others, the domain names <instagram.com> (registered on June 4, 2004), <instagram.net> (registered on November 6, 2010), <instagram.org> (registered on May 10, 2015) and others, reflecting its INSTAGRAM Trademarks for providing its social network services and support to the users. The Complainant has also made substantial investments to develop a strong presence online by being active on various social media platforms, including Facebook, X (formerly Twitter), and LinkedIn. For instance, Instagram’s official Facebook page has over 61 million Facebook “likes” and over 33 million followers on X.

The Disputed Domain Name was registered on August 1, 2024. According to the evidence presented by the Complainant (Annex 10 to the Complaint), at the date the Complaint was filed the Disputed Domain Name resolved to a website offering an unauthorized modified APK version (featuring the text “Instagram Pro Download Insta Pro APK”) of the Complainant’s Instagram application, with additional functionality that is not offered on the Instagram application, including the ability to download content from the Instagram platform. The website of the Disputed Domain Name also featured the Complainant’s logo and 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 that the Disputed Domain Name is confusingly similar to the Complainant’s INSTAGRAM Trademark since the Disputed Domain Name reproduces the Complainant’s INSTAGRAM Trademark in its entirety with the addition of the generic term “pro”. This added term does not prevent a finding of confusing similarity between the Complainant’s INSTAGRAM Trademark and the

Disputed Domain Name.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Respondent is not a licensee of the Complainant, nor is he affiliated with the Complainant in any way;
- the Complainant has not granted any authorization for the Respondent to make use of its INSTAGRAM Trademark in the Disputed Domain Name or otherwise;
- the Respondent's website featured multiple references to the Complainant's INSTAGRAM Trademark, the Complainant's Instagram logo and figurative trademark;
- the Respondent cannot be viewed as a bona fide service provider as he does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent has made unauthorised use of the Complainant's INSTAGRAM Trademark to market its own ancillary services, namely purporting to offer for download an unauthorised APK version of the Complainant's Instagram application;
- an unauthorized downloading of Instagram content using such an APK version of the Complainant's Instagram platform places the privacy and security of Instagram users at risk, as content downloaded may be stored and later used by third parties for unauthorized purposes;
- additional functionality offered by the APK version of the Complainant's Instagram application on the Respondent's website breaches the Instagram Terms of Use and facilitates breach of the Instagram Terms of Use by Instagram users;
- there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name.

The Complainant further contends that the Respondent registered and is using the Disputed Domain Name in bad faith based on the following. The Complainant's INSTAGRAM Trademark is inherently distinctive and well-known throughout the world (including in Pakistan where the Respondent is allegedly located) and has been continuously and extensively used by the Complainant since 2010.

The Respondent's website clearly demonstrates actual knowledge of the Complainant and its INSTAGRAM Trademark since it features the Complainant's logo and figurative trademark along with a modified logo including as a favicon, and features multiple references to the Complainant's INSTAGRAM Trademark and a similar pink colour scheme to the Complainant's colour scheme. Moreover, although the Respondent's website features disclaimer-like wording, it is not displayed prominently, accessible in the "What is Insta Pro Apk?" section on the home page. The Complainant submits that even if a prominent and clearly-worded disclaimer had been featured on the Respondent's website, it would not have been sufficient to cure the Respondent's illegitimate use of the Disputed Domain Name.

The Complainant further submits that the Respondent's registration of the Disputed Domain Name using a proxy service to mask its identity and the Respondent's failure to respond to the Complainant's lawyers' notice via the Registrar's registrant contact form constitute further evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant, to succeed, must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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

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 Disputed Domain Name completely reproduces the Complainant's INSTAGRAM Trademark in combination with the word "pro" and the Second-Level Domain and the country code Top-Level Domain ("ccTLD") ".net.co". According to [WIPO Overview 3.0](#), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. In this case, the addition of the term "pro" to the INSTAGRAM Trademark does not prevent a finding of confusing similarity.

Pursuant to [WIPO Overview 3.0](#), section 1.7, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing.

Accordingly, 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 concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's INSTAGRAM Trademark. Moreover, there is no element from which the Panel could infer the Respondent's rights over the Disputed Domain Name, or that the Respondent might be commonly known by the Disputed Domain Name.

In accordance with [WIPO Overview 3.0](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Name – reproducing the entirety of the INSTAGRAM Trademark, along with the term

“pro” – carries a risk of implied affiliation with the Complainant.

The Panel is also of the opinion that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name. As at the date of filing of the Complaint the Disputed Domain Name resolved to a website where an unauthorized modified APK version (“Instagram Pro APK”) of the Complainant’s Instagram application, with additional functionality, was offered for download. The Panel also notes that the website under this Disputed Domain Name contained the following description “Instagram Pro is the modified version of the Instagram app”. The Panel finds that the website did not accurately and prominently disclose its relationship with the Complainant. Thus, it is more than likely that Internet users could be confused as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. Indeed, the content of the Respondent’s website under the Disputed Domain Name appeared to be designed to generate the impression that Internet users are visiting the Complainant’s website or its affiliated entities.

The Respondent did not file any response to the Complaint and did not participate in these proceedings, as such, the Respondent did not present any evidence supporting any rights or legitimate interests in the Disputed Domain Name.

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 concludes that the Disputed Domain Name was registered and is being used in bad faith in view of the following. The Complainant obtained the registration of the INSTAGRAM Trademark more than 10 years earlier than the Respondent registered the Disputed Domain Name in 2024. Taking into account all circumstances of this case, the Panel finds that the Respondent was very well aware of the Complainant’s business and its INSTAGRAM Trademark when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant’s INSTAGRAM Trademark. The addition of the term “pro” to the Complainant’s INSTAGRAM Trademark in the Disputed Domain Name, is further evidence, that the Respondent was very well aware of the Complainant’s INSTAGRAM Trademark and business at the time of registration of the Disputed Domain Name and has done so for the only purpose of creating an impression that the Disputed Domain Name and the website are connected with the Complainant’s INSTAGRAM Trademark. The Panel considers it is obviously bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant’s INSTAGRAM Trademark.

Moreover, the Respondent’s knowledge of the Complainant’s INSTAGRAM Trademark is also supported by the use of the Disputed Domain Name for the website, where a modified version of the Instagram application was offered for download. Moreover, the website under the Disputed Domain Name contained the Complainant’s INSTAGRAM Trademark and utilized a pink color palette that is highly evocative of the Complainant’s distinctive brand identity. In view of the fact that the Disputed Domain Name directed to the website displaying the Complainant’s INSTAGRAM Trademark, Internet users would most likely be misled into believing that the Disputed Domain Name is related to or authorized by the Complainant. By diverting Internet users to a website offering a modified or unauthorized application, the Respondent is exploiting the Complainant’s reputation and goodwill in order to generate traffic for its own benefit, whether commercial or otherwise. Such conduct demonstrates an intentional attempt to attract, for commercial gain or other illegitimate advantage, Internet users by creating a likelihood of confusion with the Complainant’s INSTAGRAM Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

According to section 3.1.4 of the [WIPO Overview 3.0](#), UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is of the opinion that it is clear that the Respondent, having registered and used the Disputed Domain Name, which is confusingly similar to the Complainant's well-known INSTAGRAM Trademark, intended to disrupt the Complainant's business and confuse Internet users seeking or expecting the Complainant's website. In view of the absence of any evidence to the contrary and the fact that the Respondent did not file any response to these proceedings, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in 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 <instagrampro.net.co> be transferred to the Complainant.

/Mariia Koval/
Mariia Koval
Sole Panelist
Date: September 2, 2025