

## **ADMINISTRATIVE PANEL DECISION**

Instagram, LLC v. Yt Views  
Case No. DCO2025-0078

### **1. The Parties**

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

The Respondent is Yt Views, India.

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

The disputed domain name <instafollow.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 September 18, 2025. On September 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 22, 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 September 26, 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 September 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 23, 2025.

The Center appointed Alistair Payne as the sole panelist in this matter on October 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 is the very well-known global online photo and video sharing social networking application and currently has over two billion monthly active users. It owns numerous trade mark registrations worldwide for the word mark INSTAGRAM, including United States trade mark registration No. 4146057, registered on May 22, 2012, and Indian trade mark registration No. 2645896, registered on November 7, 2018. The Complainant also owns United States trade mark registration No. 5061916 for INSTA, registered on October 18, 2016, European Union trade mark registration No. 18359602 for INSTA, registered on February 9, 2023, and Indian trade mark registration 4789526 for INSTA registered on May 30, 2021. The Complainant also owns various domain names incorporating its INSTAGRAM trade mark, including <instagram.com>.

The disputed domain name was registered on June 14, 2020, and resolves to a commercial website which offers for sale “likes” and “followers” for the Complainant’s Instagram platform and features the INSTAGRAM word mark.

#### **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 it owns rights in the INSTA and INSTAGRAM marks as set out above and that the disputed domain name wholly incorporates its very well-reputed INSTA mark and is therefore confusingly similar to it. It says that the addition of the common word “follow” is not sufficient to dispel confusion and does not prevent a finding of confusing similarity.

According to the Complainant, there is no evidence to suggest that Respondent is commonly known by the disputed domain name or has any rights in the disputed domain name. To the best of Complainant’s knowledge, the Respondent has neither acquired nor applied for trade mark registration for “INSTA FOLLOW” or any variation thereof. The Complainant notes that the Respondent is neither a licensee of the Complainant, nor has the Respondent been authorised by the Complainant to make any use of its INSTA or INSTAGRAM trade marks, or any variation thereof, in a domain name, mobile application or otherwise.

The Complainant also says that the Respondent cannot assert that prior to any notice of this dispute it was using, or had made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, in accordance with paragraph 4(c)(i) of the Policy. It notes that the disputed domain name resolves to a website at which the Respondent offers to sell “likes” or “followers” from the Complainant’s Instagram platform. It says that targeting the Complainant’s mark in this way and using it for its own commercial benefit is not conduct in good faith and does not confer rights or legitimate interests on the Respondent and that this has been recognized by numerous previous panels, for example in *Instagram LLC v Semen Semchenko et al.*, WIPO Case No. [D2020-3127](#). Further, says the Complainant, in circumstances that the Complainant’s website’s terms and conditions expressly prohibit the use of its trade marks in the disputed domain name, including by software developers like the Respondent, without the express permission of the Complainant, then the “Ok! Data” test established in *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), does not apply and even if it did apply then the first and third elements of the test would not be satisfied, in that the Respondent’s use is not legitimate and the website at the disputed domain name does not disclose the lack of any relationship with the Complainant.

As far as registration in bad faith is concerned, the Complainant submits that its trade marks are highly distinctive and very well known throughout the world. Whether INSTA or INSTAGRAM is used, Internet search results end up at the Complainant's website and the Respondent could not argue that he was unaware of the Complainant's trade marks when he registered the disputed domain name in June 2020.

As for use in bad faith, the Complainant asserts that panels that have considered services that offer likes and followers to users using the Complainant's platform, have uniformly determined that such services constitute bad faith registration and use with intent to profit from the notoriety of Complainant's trade marks, see for example *Instagram, LLC v. Kamil Abbasov, AzeriJob LLC et al.*, WIPO Case No. [D2020-2786](#). Further, says the Complainant, the Respondent's services and API integration as promoted on its website may be used to spread malware, to enable spam or make unauthorised use of personal data. The Complainant notes that the Respondent failed to reply to its agent's cease and desist letters and asserts that the Respondent's use of a proxy service strongly suggests an attempt to prevent or to frustrate a UDRP proceeding, which supports an inference of 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 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 the INSTA trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the INSTA mark is reproduced 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 the word "follow" 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 3.0](#), 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 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.

The Complainant has submitted that there is no evidence to suggest that Respondent is commonly known by the disputed domain name or has any rights in the disputed domain name. It has asserted that to the best of its knowledge the Respondent has neither acquired nor applied for trade mark registration for “INSTA FOLLOW” or any variation thereof. It has also submitted that the Respondent is neither a licensee of the Complainant, nor has the Respondent been authorised by the Complainant to make any use of its INSTA or INSTAGRAM trade marks, or any variation thereof, in a domain name, mobile application or otherwise.

The Complainant has also asserted that the Respondent cannot assert that prior to any notice of this dispute it was using, or had made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, in accordance with paragraph 4(c)(i) of the Policy.

The disputed domain name resolves to a website at which the Respondent offers to sell “likes” or “followers” for the Complainant’s Instagram platform. The Complainant says that targeting its mark in this way and using it for its own commercial benefit is not conduct in good faith and does not confer rights or legitimate interests on the Respondent and that this has been recognized by numerous previous panels. Further, says the Complainant, the “Oki Data” test does not apply and even if it did apply then the first and third elements of the test would not be satisfied, in that the Respondent’s use is not legitimate and the website at the disputed domain name does not disclose the lack of any relationship with the Complainant.

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 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.

The Panel finds that the Complainant’s INSTAGRAM and INSTA marks are highly distinctive and are exclusively associated with the Complainant. The Complainant’s United States registrations for these marks were registered before the disputed domain name and are undoubtedly very well known throughout the world in connection with the Complainant’s online photo-sharing social network and enjoy very considerable reputation and goodwill in many countries worldwide, including in India where the Respondent appears to be based. The Panel agrees with the Complainant that considering this degree of renown and the functions and content, as described above, on the website at the disputed domain name, the Respondent could not credibly argue that it did not have knowledge of the INSTAGRAM or INSTA marks in relation to the Complainant’s Instagram website when it registered the disputed domain name in 2020. The Panel therefore finds that the Respondent was aware of the Complainant’s business and marks at the date of registration of the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant’s trade mark as to the source, sponsorship, affiliation or endorsement of the website.

The Panel finds that the Respondent has used the disputed domain name intentionally to confuse and divert Internet users to its website at the disputed domain name for its own financial gain. Once there the Respondent invites Internet users to purchase “likes” or “followers” for the Complainant’s website. Internet users may have been confused into thinking that the site was authorised by or had some connection with the Complainant, particularly in view of the many uses of and references to “Instagram” on the website. It is apparent, as described earlier, that the Respondent has targeted the Complainant and has been trading off

the Complainant's business model for its own financial benefit. The Panel finds that these circumstances fulfill the requirements of paragraph 4(b)(iv) of the Policy which amounts to evidence of registration and use in bad faith of the disputed domain name. The Respondent's failure to respond to the Complainant's agent's cease and desist letters in these circumstances only serves to further reinforce the Panel's view of the Respondent's 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 <instafollow.co> be transferred to the Complainant.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: November 7, 2025