

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Mytoolz net

Case No. DCO2025-0094

1. The Parties

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

Respondent is Mytoolz net, United States.

2. The Domain Name and Registrar

The disputed domain name <instamod.co> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 14, 2025. On November 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 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 Complainant on November 20, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Respondent sent an email communication to the Center on November 21, 2025. Complainant filed an amended Complaint on November 25, 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 Respondent of the Complaint, and the proceedings commenced on November 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2025. The Respondent did not submit any formal Response. Accordingly, the Center notified the commencement of the panel appointment process on December 19, 2025.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on December 26, 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

Complainant is a multinational company based in the United States. For over a decade prior to the registration of the disputed domain name, Complainant has offered social media applications and services under its mark INSTAGRAM, as well as its abbreviation, INSTA. In this regard, Complainant owns several registrations for the INSTA mark globally. These include, among others, United States Registration No. 5,061,916 (registered October 18, 2016) and European Union Registration No. 014810535 (registered May 23, 2018).

The disputed domain name was registered on December 1, 2022. Respondent has set up a website at the URL associated with the disputed domain name that purports to offer for download modified versions the Complainant's Instagram application, and including references to Complainant's registered INSTA mark.

5. Parties' Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainants' trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns rights to the INSTA mark, for which Complainant has garnered "renown and goodwill worldwide" having accrued "over 1.2 billion monthly active users" as of the registration date of the disputed domain name, and which has been the subject of significant media attention globally over the years in such publications as BBC News, Bloomberg News, and The New York Times. Complainant further contends that its INSTA mark is so well known that it is included as a definition in Cambridge Dictionary referencing Complainant's INSTA products and services. Complainant contends that Respondent has deliberately included Complainant's INSTA mark in the disputed domain name, with the addition only of the term "mod," likely intended to refer to Respondent's unauthorized modification of Complainant's INSTA products.

Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent's own commercial gain. In this regard, Complainant alleges that Respondent has set up a website at the URL associated with the disputed domain name that purports to offer services related to, and competing with, those offered by Complainant, and including references to Complainant's registered INSTA mark, and that Respondent has also done this with other domain names incorporating Complainant's INSTA mark.

B. Respondent

Respondent sent an informal communication to the Center prior to the commencement of this proceeding: "Thank you for the update. I confirm that I do not wish to amend the Complaint." Respondent did not, however, formally reply to 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 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. Complainant has shown rights in respect of trademark INSTA, for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1. Although the addition of other terms (here, "mod") 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 Complainant's mark for purposes of the Policy. WIPO Overview 3.0, section 1.8.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which 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.

Complainant has not authorized any activities by Respondent, nor any use of its trademarks thereby. The website associated with the disputed domain name purports to offer for download modified versions the Complainant's Instagram application via Complainant's INSTAGRAM and INSTA marks. The associated website does not appear to include a disclaimer of affiliation or endorsement by Complainant, and rather includes unauthorized use of Complainant's marks. Internet users may be confused by the relationship between the Complainant and the Respondent's website. Respondent has not put forward any claims or evidence that would suggest rights or legitimate interests for the purposes of the Policy.

The Panel finds that Complainant has provided *prima facie* evidence of Respondent's lack of "rights or legitimate interests" in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted, and accordingly the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel's decision, Respondent has set up a website at the URL associated with the disputed domain name that purports to offer for download modified versions the Complainant's Instagram application, and including references to Complainant's registered INSTAGRAM and INSTA mark.

Hence, Respondent was presumably aware of Complainant's rights when registering the disputed domain name and is trading on the goodwill of Complainant's trademarks to attract Internet users for Respondent's own commercial gain. The use of the disputed domain name constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph 4(a)(iii) 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 <instamod.co> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: January 9, 2026