

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Vu Ha
Case No. DIO2025-0010

1. The Parties

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

The Respondent is Vu Ha, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <snapinsta.io> is registered with Hosting Concepts B.V. d/b/a Registrar.eu (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 1, 2025. On April 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 (Redacted for Privacy). The Center sent an email communication to the Complainant on April 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 amended Complaint on April 7, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the "Policy"), the Rules for .IO Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .IO 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 April 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 30, 2025.

The Center appointed Andrew F. Christie as the sole panelist in this matter on May 8, 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-sharing and video-sharing social networking application ("Instagram"), launched in 2010. Acquired by Facebook, Inc. in 2012, Instagram is a large and growing social network, with more than 2 billion monthly active accounts worldwide. Instagram has consistently ranked amongst the top apps for mobile devices, including for iOS and Android operating systems.

The Complainant owns numerous word trademark registrations in many jurisdictions for INSTAGRAM, including International Registration No. 1129314 (registered on March 15, 2012), United States Trademark Registration No. 4146057 (registered on May 22, 2012), and European Union Trade Mark No. 14493886 (registered on December 24, 2015). The Complainant also owns a number of word trademark registrations for INSTA, including United States Trademark Registration No. 5061916 (registered on October 18, 2016), and European Union Trade Mark No. 14810535 (registered on May 23, 2018).

The disputed domain name was registered on April 3, 2022. The Complainant has provided screenshots dated March 31, 2025, showing the website to which the disputed domain name then redirected. This website was titled "SnapClip", and contained a major heading "SnapInsta : Download Instagram Videos". The website makes prominent reference to the Complainant's INSTA and INSTAGRAM trademarks. It purports to offer a tool for downloading content from the Complainant's Instagram platform, including videos, photos, Reels, Stories, audios and highlights, by prompting Instagram users to enter an Instagram URL into the box featured on the website. The website also purports to offer a tool for viewing Instagram content, including content on private Instagram accounts. Both tools are collectively referred to as either "SnapClip" or "SnapInsta". The website displays at the bottom of the page the following disclaimer: "We are not affiliated with Instagram or Meta. SnapClip is not affiliated with Instagram or Meta. We do not host any Instagram content. All Instagram™ logos and trademarks displayed on this website are the property of Instagram."

As of the date of this Decision, the disputed domain name resolves to a website that is essentially the same as the website shown in the Complainant's screenshots.

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.

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which it has rights on the following grounds. The Complainant owns numerous trademark registrations for INSTA in various jurisdictions, and has therefore established trademark rights in INSTA for the purposes of the Policy. The disputed domain name comprises the Complainant's INSTA trademark preceded by the term "snap", under the country-code Top-Level Domain ("ccTLD") ".io". The presence of the INSTA trademark in the disputed domain name is sufficient to establish confusing similarity between the disputed domain name and the Complainant's trademark. The addition of the term "snap" does not prevent a finding of confusing similarity with the Complainant's INSTA trademark, which remains clearly recognizable in the disputed domain name. The ccTLD ".io" may be disregarded for the purposes of assessing confusing similarity, as it is a standard requirement of registration.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the following grounds, among others. The Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy. The Respondent is not a licensee of the Complainant, and is not affiliated with the Complainant in any way. The Complainant has not granted any authorization for the Respondent to make use of its INSTA trademark, in a domain name or otherwise. The Respondent is unable to be viewed as a bona fide service provider as it does not provide sales or repairs in relation to a product provided by the Complainant. Rather, the Respondent is making unauthorized use of the Complainant's INSTA trademark to market its own ancillary services, namely purporting to provide tools that enable Internet users to anonymously view and/or download Instagram content. The Respondent is not using the website to which the disputed domain name resolves to sell only the trademarked goods or services; rather, it is using the site also to advertise third-party products in order to generate click-through revenue. The Respondent's website does not accurately and prominently disclose the Respondent's lack of relationship with the Complaint. While it contains a disclaimer-like statement, it does not accurately describe the (lack of) relationship between the Complainant and the Respondent. There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. There is no evidence of the Respondent having acquired or applied for any trademark registrations for "insta", "snapinsta" or any variation thereof. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers. The Respondent's website features third-party advertising and full page commercial advertising pop ups, from which it can be inferred the Respondent derives click-through revenue.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith on the following grounds, among others. Given the Complainant's INSTAGRAM trademark is inherently distinctive and well known throughout the world, having been used continuously and extensively since its launch in 2010, the Respondent could not credibly argue that it did not have knowledge of the Complainant or its INSTAGRAM or INSTA trademarks when registering the disputed domain name in April 2022. The Respondent's intent to target the Complainant when registering the disputed domain name may be inferred from the content of the Respondent's website, which makes explicit reference to the Complainant's INSTAGRAM and INSTA trademarks. Since the time when the Respondent registered the disputed domain name, it has not displayed any bona fide intent in relation to it. Rather, the Respondent has taken steps to redirect the disputed domain name to a website that purports to provide a tool for the unauthorized downloading of content, including private content, from the Complainant. The Respondent is relying on the goodwill associated with the Complainant's INSTA trademark to attract Internet users to its website. Although the Respondent's website features disclaimer-like wording, it is not clearly visible, being at the bottom of the web page. However, even if a clearly visible 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.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. It is the owner of a number of trademark registrations for the word trademark INSTA.

The entirety of the Complainant's trademark is reproduced within the disputed domain name. Although the addition of other terms (here, "snap") 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 trademark for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 2.5.1.¹

The Panel considers that the composition of the disputed domain name, coupled with the use of the disputed domain name, carries a risk of implied affiliation with the Complainant. The evidence establishes that the Respondent has used the disputed domain name to redirect to a website which, by reproducing the Complainant’s INSTA and INSTAGRAM trademarks and by purporting to offer a tool for downloading content from the Complainant’s Instagram platform, falsely purports to be affiliated with the Complainant. The Panel notes that the Respondent’s website contains a disclaimer of affiliation with the Complainant. However, that disclaimer is not prominent, appearing in small text at the very bottom of the website’s homepage, and is unlikely to be read by the typical Internet user who lands on the website. Accordingly, the disclaimer does not correct the false implication of affiliation with the Complainant that arises from the website’s prominent content. This use of the disputed domain name to imply a commercial affiliation that does not exist cannot confer rights or legitimate interests on the Respondent.

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 or Used in Bad Faith

In the present case, the Panel notes that: (i) the Respondent registered the disputed domain name many years after the Complainant first used and registered its INSTA word trademark; (ii) the disputed domain name incorporates the Complainant’s trademark in its entirety, and merely adds the word “snap”; and (iii) the Respondent has used the disputed domain name to resolve to a website that reproduces the Complainant’s INSTA trademark. It is clear the Respondent registered the disputed domain name with knowledge of the Complainant’s trademark.

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 or use of a domain name is in bad faith. The evidence shows that the Respondent has used the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant’s trademark.

Having reviewed the record, the Panel finds that the Respondent’s registration and the Respondent’s use of the disputed domain name were in bad faith.

¹ Although [WIPO Overview 3.0](#) is directed to the Uniform Domain Name Dispute Resolution Policy (“UDRP”), given the similarities between the UDRP and the Policy, it is appropriate to have regard to these principles except to the extent that the Policy diverges from the UDRP.

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 <snapinsta.io> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: May 16, 2025