



Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0032

Also in PDF C2025-0032

1. The Complainant

The Complainant is Instagram, LLC having its office at 1601 Willow Road, Menlo Park California 94025 United States of America. The complainant has initiated the complaint via their authorized representative, David Taylor/ Jane Seager having their office at Hogan Lovells (Paris) LLP 17, avenue Matignon 75008 Paris, France.

2. The Domain Name and Respondent

The domain name upon which the Complaint is based on, is; <instapro2.pk>, hereinafter referred to as the Disputed Domain Name [DDN].

PKNIC has informed DNDRC that the DDN is registered by GB Plus, with the contact name being GB Plus, with their address being Lahore and that the email address provided at the time of registration of the DDN is gbplus.orgapk@gmail.com.

3. Procedural History

DNDRC was informed of the Complaint against the Respondent in accordance with the PKNIC - Internet Domain Registration Policy upon receiving notification from the Complainant on 02 October 2025. An administrative review of the Complaint was conducted and completed on 06 October 2025, following which the Complainant was notified of the compliance review's completion and the subsequent procedural requirements on 06 October 2025.

Upon the Complainant's fulfillment of the procedural requirements on 13 October 2025, DNDRC formally requested the Respondent's registration details from PKNIC on 17 October 2025. PKNIC provided the requested details on 17 October 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 21 October 2025, enclosing a copy of the Complaint and a Response Form, informing the Respondent that failure to submit a Response within 10 days would result in the dispute proceeding ex parte. The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 27 November 2025.

The arbitrator completed the review and issued a decision on 05 December 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 17 December 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Ardavan D. Solan as the sole Arbitrator who has verified that the Complaint satisfies the formal requirements of the Policy and the Rules.

Factual Background

4. Parties Contentions

(a) Complainant

The Complainant's brief contentions are reproduced below:

The Complainant

1. *The Complainant, **Instagram LLC (Instagram)**, is a world-renowned leading online photo and video sharing social-networking application. Acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012, today Instagram is the world's fastest growing photo and video sharing and editing software and online social network, with more than 2.4 billion monthly active accounts worldwide.*

*A screen capture of the homepage of the Complainant's website at <https://instagram.com> is provided as **Annex 3**.*

2. *Instagram has consistently ranked amongst the top "apps" for mobile devices, including for iOS and Android operating systems.*

*Copies of Instagram's company information, including its Wikipedia entry, articles about Meta's acquisition of Instagram in 2012 and mobile application rankings, and Interbrand's Best Global Brands 2024 are provided as **Annex 4**.*

3. *Instagram is currently the most downloaded application worldwide, according to The Financial Times. Instagram's exponential growth and popularity, including in Pakistan, has been widely reported by specialized technology publications including Tech Crunch as well as major international publications such as The New York Times, The Washington Post (United States) and Datareportal.*

*Copies of sample press articles about Instagram's launch and rapid growth and international popularity, including in Pakistan, are provided as **Annex 5**.*

4. *The Complainant is the registrant of numerous domain names consisting of or including its INSTAGRAM trade mark under a wide range of generic Top-Level Domains and under numerous country code Top-Level Domains (ccTLDs).*

*Copies of the WhoIs records for a selection of the Complainant's domain names comprising its INSTAGRAM trade mark are provided as **Annex 6**.*

5. *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. These pages are available at the following URLs:*

<https://instagram.com/instagram>

<https://facebook.com/instagram>

<https://x.com/instagram>

<http://linkedin.com/company/instagram>

*Screen captures of the Complainant's social-media pages are provided as **Annex 7**.*

The Complainant's trade marks

6. *In addition to its strong online presence, the Complainant has secured ownership of numerous trade mark registrations for INSTA and INSTAGRAM in various jurisdictions, including Pakistan (see **Annex 2**).*

The Domain Name and the associated website

7. *The Domain Name resolves to a website titled "Insta Pro2.PK" that purports to offer for download an unauthorized modified APK version of the Instagram app. The APK provides functionality over and above that of the Instagram application, including the ability to download Instagram content such as photos, videos, IGTV and reels (the **Respondent's website**). The Respondent's website states:*

"Insta Pro APK is a customized version of Instagram that enhances your user experience by enabling the download of high-quality photos, videos, IGTV segments, and reels. Instagram Pro 2 also offers exclusive features, including an ad-free interface and the ability to copy bios, comments, and descriptions, along with several other unique tools."

[...]

"InstaPro 2 is a modified version of the old Instagram application, created by SamMods. This application was launched to compete with the original Instagram application, to overcome the flaws or the restrictions set by the original Instagram application."

8. *The Respondent's website makes prominent reference to the Complainant's INSTA and INSTAGRAM trade marks and features a modified version of the Complainant's logo and figurative trade mark as a logo and favicon, as well as a pink gradient colour scheme that is very similar to the Complainant's gradient colour scheme, as follows:*

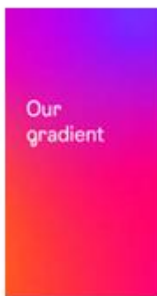
Complainant's figurative trade mark and logo



Logos and favicon on the Respondent's website



Complainant's gradient colour scheme



Gradient colour scheme on the Respondent's website



9. *The Respondent's website features a step-by-step guide to download the InstaPro2.PK on an Android phone.*
10. *The Respondent's website displays the following disclaimer-like statement:*

"Insta Pro 2 was created in a way that it could be run along with the official Instagram application. Although Insta Pro 2 APK has nothing to do with the official Instagram application."

*Screen captures of the website to which the Domain Name resolves are provided as **Annex 8**.*

11. *The Complainant submits the present Complaint requesting transfer of the Domain Name to protect its rights and legitimate business interests.*

Therefore, the Complainant seeks the following remedy:

In accordance with Paragraph 4(i) of the Policy, the Complainant requests that the Administrative Panel appointed in this administrative proceeding transfer the Domain Name to the Complainant.

(b) Respondent

The Respondent did not make a submission.

5. Jurisdiction

The Panel's jurisdiction over this dispute between the Complainant and the Respondent is established by virtue of the Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules.

The Respondent applied for and was granted registration of the DDN on the basis of these regulations, and has submitted to, the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules and correspondingly to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

6. Discussion and Findings

In the landmark case of *Standard Chartered PLC v. Hosting Campus Domain* (case no. C2007-0001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf), the Panel laid down the following four heads under which to analyze cases, under the Internet Domain Registration Policy version 4.4 (2019-08-19) and the UDRP:

- a. *Illegality, unlawfulness or otherwise invalidity of the Application & Registration (a criteria in terms of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 in addition to the criteria of the UDRP)*
- b. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
- c. *Legitimate interest in Domain Name (a UDRP criteria)*
- d. *Registration and use in bad faith (a UDRP criteria)*

The decision of the dispute shall be addressed with respect to the following aspects:

- i. Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) criteria).
- ii. Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).
- iii. Legitimate interest in the domain name (a UDRP criteria).
- iv. Registration and use of the domain name in bad faith (a UDRP criteria).

I. Illegality, unlawfulness or otherwise invalidity of the Application & Registration

The PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) states that it creates an exception for, and thus excludes the registration of a domain name that:

- a. *infringes upon a registered tradename,*
- b. *is not bona fide as recognized by international best practice,*
- c. *in the opinion of PKNIC, a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law,*
- d. *has been declared by a Criminal Court of appropriate jurisdiction to have contravened the latest version of Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/Anti-Terrorism Act, 1997/any applicable criminal law), or*
- e. *in the opinion of PKNIC is not appropriate for registration.*

As per the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19),

If a party claims that a domain name already registered with PKNIC violates their registered tradename, an obvious derivation of their registered company name is not bona fide as recognized by international best practice, and is a contravention in the opinion of PKNIC to be a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law, PKNIC reserves the right to cancel, or transfer the domain to the claiming party as per the ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP] (with PKNIC amendments) or as per the orders of a court judgment in Pakistan.

Therefore, for the purpose of assessing illegality, unlawfulness or otherwise invalidity of the Application & Registration of the DDN, the application and registration of the DDN shall be assessed in consideration of the following criteria:

- i. Whether the DDNs infringe upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DDNs are bona fide?
- iii. Whether the application and/or registration of the DDN contravenes the Pakistan Penal Code, 1860 (the “Penal Code”) or any applicable criminal law?

The Complainant has submitted the following:

This Complaint is based on the following trade mark registrations:

- *United States Trademark Registration No. 5,061,916, INSTA, registered on 18 October 2016;*
- *European Union Trade Mark No. 014810535, INSTA, registered on 23 May 2018;*
- *Pakistani Trade Mark No. 398679, INSTAGRAM, registered on 30 July 2018;*
- *International Trademark Registration No. 1129314, INSTAGRAM, registered on 15 March 2012;*
- *United States Trademark Registration No. 4,146,057, INSTAGRAM, registered on 22 May 2012;*
- *European Union Trade Mark No. 14493886, INSTAGRAM, registered on 24 December 2015;*

The Complainant has also secured ownership of the following figurative trade marks:

- *Pakistani Trade Mark No. 480680,  , registered on 17 March 2020;*
- *European Union Trade Mark No. 015442502,  , registered on 21 September 2016;
and*



- *United States Trademark Registration No. 5,299,116, , registered on 3 October 2017.*

*Copies of these trade mark registrations are provided as **Annex 2**.*

The Respondent has not submitted a response.

The Panel deduces that the Complainant has established registered trademark rights; however, a finding of illegality would require evidence that the DDN infringes upon those rights. While, the DDN incorporates the entire trademark in it, the Complainant has not advanced any submissions addressing whether the suffix of “pro2” in the DDN, prevents or diminishes a finding of infringement or illegality.

In the absence of such contentions, the Panel does not find sufficient basis to conclude illegality and therefore proceeds to assess the Complaint under the three cumulative criteria set forth in the UDRP.

II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has made the following submissions:

- 12. The first element of paragraph 4(a) of the Policy requires a complainant to establish first, that it has rights in a trade mark or service mark, and secondly, that the disputed domain names are identical or confusingly similar to that trade mark or service mark.*
- 13. The Complainant owns numerous trade mark registrations for INSTA in jurisdictions throughout the world (see **Annex 2**). The Complainant has therefore established trade mark rights in INSTA for purposes of paragraph 4(a)(i) of the Policy.*
- 14. The Domain Name incorporates the Complainant's INSTA trade mark, followed by the term "pro" and the number "2", under the ccTLD ".pk".*
- 15. The Complainant submits that the presence of its INSTA trade mark in the Domain Name is sufficient to establish confusing similarity between the Domain Name and the Complainant's*

trade mark; see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.7.

16. *The Complainant submits that the addition of the term "pro" and the number "2" does not prevent a finding of confusing similarity with the Complainant's INSTA trade mark, which remains clearly recognizable in the Domain Name. See WIPO Overview 3.0, section 1.8 and Instagram, LLC v. Fahad Nawaz, ZeeTv, WIPO Case No. D2025-0449 (<instapro2.com>).*

See also Instagram, LLC v. Muhammad Tahir, Muhammad ASIF, pinoy tvshows, WIPO Case No. D2024-4981 (<instapro.com.co> et al>), Instagram, LLC v. Aina Jannat Aina Jannat, WIPO Case No. D2024 1424 (<instagramproapk.org>).

17. *The ccTLD ".pk" may be disregarded for purposes of assessment under the first element. See WIPO Overview 3.0, section 1.11.1.*
18. *The Complainant therefore submits that the Domain Name is confusingly similar to the Complainant's INSTA trade mark, under paragraph 4(a)(i) of the Policy.*

The Respondent has not submitted a response.

The Complainant contends, as the first ground of the contention(s), that the DDN is confusingly similar to Complainant's registered trademark. In assessing this element, the Panel applies the test, under Section 1.7 of the WIPO Overview 3.0 which provides that the incorporation of a complainant's trademark in its entirety within a domain name is, in itself, a strong indicator of confusing similarity. Which is clearly evident here; in the form of the term "Insta" within the DDN.

The Panel has also considered the additional terms as appearing in the DDN, namely; "pro2" as well as the domain extension; ".pk" within consideration. The Panel notes that such an extension (pro2) is merely a pejorative, descriptive and otherwise a meaningless addition to the DDN which does not prevent a finding of confusing similarity (Section 1.8 of the WIPO Overview 3.0). Meanwhile, the term (.pk) was required for technical registration purposes and is therefore disregarded in the confusing similarity assessment.

This conclusion is further supported by the established precedent, of Instagram, LLC v. Fahad Nawaz, ZeeTv (WIPO Case No. D2025-0449).

Accordingly, the Panel concludes that the DDN is confusingly similar to the Complainant's trademark, in which the Complainant holds established and explicit legal rights.

III. Legitimate interests in a domain name

As per paragraph 4(c), the UDRP requires the Respondent's claim to be of legitimate interest and shall be:

“proved based on all evidence presented” that “shall demonstrate” the Respondent's “rights or legitimate interests to the domain name for purposes of [Paragraph 4\(a\)\(ii\)](#). ”

The Complainant has made the following submissions:

19. The Complainant asserts that the Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy that would demonstrate its rights or legitimate interests in the Domain Name.

The Respondent is not using the Domain Name in connection with any bona fide offering of goods or services

20. The Respondent is not a licensee of the Complainant, nor has the Respondent been authorized by the Complainant to make any use of its INSTA trade mark.

*21. As detailed above, the Respondent's website purports to offer for download an unauthorized modified APK version of the Instagram app which includes the ability to download Instagram content such as photos, videos, IGTV and reels (see **Annex 8**).*

*22. Prior UDRP panels have recognized that service providers using a domain name containing a third-party trade mark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name. This is typically measured against the list of factors set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 (the “**Oki Data criteria**”):*

- i.) the respondent must actually be offering the goods or services at issue;*
- ii.) the respondent must use the site to sell only the trade marked goods or services;*

- iii.) *the site must accurately and prominently disclose the registrant's relationship with the trade mark holder; and*
- iv.) *the respondent must not try to "corner the market" in domain names that reflect the trade mark.*

See WIPO Overview 3.0, section 2.8.

23. *As a preliminary matter, the Complainant submits that the Respondent cannot be viewed as a bona fide service provider, as it does not provide sales or repairs relating to a product provided by the Complainant. Rather, the Respondent is purporting making unauthorized use of the Complainant's INSTA and INSTAGRAM trade marks to offer for download a modified APK version of the Instagram app which includes the ability to download Instagram content.*

Nevertheless, if one is to apply the Oki Data criteria, the Respondent fails to fulfil at least the first and third criteria:

- i.) *The Respondent is not a bona fide service provider as it does not provide services for the proper use of the Complainant's product. Rather, the Respondent's website purports to provide an unauthorized version of Instagram application. As such, the Respondent cannot be said to be using the Respondent's website to offer the goods or services at issue.*
- iii.) *Although the Respondent's website states that the APK app "has nothing to do with the official Instagram application", the Respondent does not prominently and accurately disclose its lack of relationship with the Complainant. Rather, the Respondent's website features a colour scheme similar to that of the Complainant and a modified version of the Complainant's Instagram logo and figurative trade mark, which suggests the Respondent is affiliated with the Complainant, when in fact it is not.*

24. *Moreover, the unauthorized downloading of Instagram content using such APK version of the Complainant's Instagram platform also 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. Prior UDRP Panels have found that such use of a Domain Name does not constitute legitimate or fair use. See in this regard Meta Platforms, Inc. v. Muhammad Shahbaz, WIPO Case No. D2024-0288 (<facebookvideodownloader.live>) and WhatsApp, LLC v. GB Apps, DNDRC Case No. 2024-0008 (<gbwhatsappdownloads.pk>).*

25. *Not only do tools for the unauthorized downloading of content from Instagram place the privacy and security of Instagram users at risk, but they also violate the Instagram Terms of Use and the Meta Developer Policies.*

See also Instagram, LLC v. WhoisGuard, Inc. / Name Redacted, Senol Sahin, thepicdeer.com, Ekrem Gueltekin and Ekrem Gultekin, WIPO Case No. D2020-2826 (<beautiful-instagram.club> et al.).

26. *The Complainant therefore submits that the Respondent is not using the Domain Name in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.*

The Respondent is not commonly known by the Domain Name

27. *The Respondent cannot legitimately claim that it is commonly known by the Domain Name, in accordance with paragraph 4(c)(ii) of the Policy..*

28. *The registrant information for the Domain Name is redacted in the publicly-available WhoIs record (see **Annex 2**). The Respondent's website does not display any contact details. Therefore, the identity of the Domain Name owner is unknown.*

29. *To the best of the of the Complainant's knowledge, there is no evidence of the Respondent having obtained or applied for any trade mark registration for "insta" or "instapro2" or any variation thereof, as reflected in the Domain Name.*

30. *The Respondent's use of the Domain Name as detailed above does not support any reasonable claim of being commonly known by the Domain Name, nor does it give rise to any reputation in the Domain Name itself, independent of the Complainant's trademark rights.*

The Respondent is not making any legitimate noncommercial or fair use of the Domain Names

31. *Nor can the Respondent assert that it is currently making any legitimate noncommercial or fair use of the Domain Name pursuant to paragraph 4(c)(iii) of the Policy.*

32. *Prior Panels found that the use of a domain name to offer for download an unauthorized modified version of the Complainant's Instagram app which includes the ability to download Instagram content does not constitute legitimate noncommercial or fair use. See Instagram, LLC v. Adila Ayaz, Freelance, WIPO Case No. D2025-0950 (<instaproz.com> et al). See also Instagram, LLC v. Fahad Nawaz, ZeeTv, supra..*
33. *As detailed above, given the nature of the Domain Name and the Respondent's use of it, in particular the repeated use of the Complainant's INSTA and INSTAGRAM trade marks and the use of a modified version of the Complainant's logo and figurative trade mark, including as a favicon, as well as an pink gradient colour scheme that is very similar to the Complainant's gradient colour scheme, the Complainant submits that the Respondent is using the Domain Name to exploit the goodwill and reputation associated with the Complainant's trade marks by creating a false impression of association with the Complainant. In this way, the Respondent is misleadingly diverting Internet users to its website, which does not constitute legitimate noncommercial or fair use of the Domain Name. See Instagram, LLC v. rokibul islam, WIPO Case No. D2024-3293 (<captureinsta.com >).*
34. *The Complainant therefore submits that it has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. Accordingly, the burden of production shifts to the Respondent to produce evidence to rebut the Complainant's case. See WIPO Overview 3.0, section 2.1. Without such evidence, the Complainant may be deemed to have satisfied the requirements of paragraph 4(a)(ii) of the Policy.*

The Respondent has not submitted a response.

The Complainant asserts that the Respondent has no rights or legitimate interests in the DDN, noting that the Respondent neither uses the DDN for any bona fide or legitimate purpose nor holds any authorization or implied/ express rights to incorporate the INSTAGRAM mark.

Under UDRP practices, it is generally recognized that requiring a complainant to prove the absence of the respondent's rights or legitimate interests, amounts to proving a negative. Panels therefore assess whether the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests, fulfilling which, the burden of proof would shift onto the Respondent to demonstrate otherwise.

Here, the Panel finds that the Complainant has established such a prima facie, under Paragraph 4(c) of the Policy. First, the Complainant has neither licensed nor otherwise permitted the

Respondent to use its trademark, rendering any claim to bona fide offering of goods or services through the DDN untenable. Second, there is no evidence that the Respondent is commonly known by the DDN or by the Complainant's mark. A search of the Respondent's domain name leads to a website which incorporates, almost fully, the Complainant's logo, favicon and a pink colour colour scheme which leads the Panel to deduce that the Respondent was trying to exploit the goodwill and worldwide reputation of the Complainant. The fact that the Complainant's mark is globally recognized and associated with one of the world's most widely used social media platforms further supports a finding that the Respondent lacks any rights or legitimate interests.

Moreover, a study of the Annexures provided, and of the Respondent's website, reveals that the page promotes the Insta Pro as an application which acts as a tool, allowing users to circumvent the actual Instagram application and download its content directly on their devices. Such conduct has led panels to consistently weigh this as a finding against legitimate interest. See *Instagram, LLC v. Adila Ayaz, Freelance* (WIPO Case No. D2025-0950).

In view of the above, the burden of production has shifted to the Respondent to demonstrate rights or legitimate interests in the DDN. The Respondent fails to submit any argument or evidence in this regard.

This has accordingly led the Panel to find that the Respondent lacks rights or legitimate interests in the DDN, and the Complainant has therefore satisfied the second element of the Policy.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

35. *The Complainant submits that paragraph 4(b)(iv) of the Policy is of particular relevance in the present case, although there are other factors not listed in paragraph 4(b) of the Policy that further indicate bad faith, as detailed further below.*

Registration in bad faith

36. *The Complainant's INSTAGRAM trade mark is inherently distinctive and well known throughout the world in connection with its online photo sharing social network, having been continuously and extensively used since its launch in 2010. See Instagram, LLC v. Rahaf Adnan, WIPO Case No. D2023-1433 (<instagramcrypto.com>). Similarly, the Complainant's INSTA trade mark is well known throughout the world as an abbreviation of its INSTAGRAM*

trade mark. See *Instagram, LLC v. Omer Ulku*, WIPO Case No. D2018-1700 (<supportinsta.com>).

37. The leading search results obtained by typing the term "insta" into Google's search engine available at www.google.com and www.google.com.pk refer to the Complainant and its business.

A copy of the Google search results for "insta" is provided as **Annex 11**.

38. The Respondent's intent to target the Complainant when registering the Domain Name may be inferred from the content of the Respondent's website, which makes explicit reference to the Complainant's INSTA and INSTAGRAM trade marks and features a modified version of the Complainant's Instagram logo and figurative trade mark (see **Annex 8**). See *Instagram, LLC v. Joney Singhal, K4 Media & Technologies LLP*, WIPO Case No. D2024-2692 (<igtvdownloader.com >).
39. The Complainant further notes that since the Respondent registered the Domain Name, it has not displayed any bona fide intent in relation to it. Rather, the Respondent has taken steps to point the Domain Name to a website that purports to offer for download an unauthorized modified APK version of Complainant's Instagram application which provides functionality over and above that of the Instagram application, including the ability to download Instagram content, in breach of the Meta Developer Policies and which facilitates breach of the Instagram Terms of Use as detailed above (see **Annex 10** and **Annex 9**). See also *Instagram, LLC v. Muhammad Tahir, Muhammad ASIF, pinoy tvshows*, supra.
40. For the reasons detailed above, the Complainant submits that the Respondent registered the Domain Name, not only with full knowledge of the Complainant's rights, but also with the intent to attract Internet users to the Respondent's website for the promotion of an unauthorized modified version of the Complainant's application that may put the online security of Instagram users at risk, in bad faith.

Use in bad faith

41. As detailed above, the Respondent is using the Domain Name to offer for download an unauthorized modified APK version of the Instagram app. The APK provides functionality over and above that of the Instagram application, including the ability to download Instagram content such as photos, videos, IGTV and reels.

42. Prior UDRP panels have held that the unauthorized downloading of content from Instagram, in violation of the Meta Developer Policies and which facilitates breach of the Instagram Terms of Use (see **Annex 10** and **Annex 9**), may place the privacy and security of users of such platforms at risk and amounts to bad faith. See *Instagram, LLC v. Contact Privacy Inc. Customer 1247361676 / GUELCE JEAN-CLAUDY*, WIPO Case No. D2021-1675 (<storiesgrams.com>).

See also *Instagram, LLC v. Aangothu Renuka, Jawaharlal N, Instadownloader*, WIPO Case No. D2024-0144 (<instadownload.app> et al.).

43. Moreover, in light of the nature of the Domain Name as detailed above, the prominent use of the Complainant's INSTA and INSTAGRAM trade marks and a modified version of its Instagram logo and figurative trade mark as well as the use of a gradient colour scheme that is very similar to that of the Complainant (see **Annex 3** and **Annex 8**), the Complainant submits that the Respondent is seeking to target the Complainant's trade mark to create an impression of association with the Complainant, in bad faith. See *Instagram, LLC v Van Nam Tran, University*, WIPO Case No. D2024-1576 (downloadgram.pro> et al).

44. The Complainant submits that the Respondent is using the Domain Name to intentionally attempt to 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 and the services offered therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy. Prior UDRP panels have held that commercial gain may include the respondent gaining or seeking reputational and/or bargaining advantage, even where such advantage may not be readily quantified; see WIPO Overview 3.0, section 2.5.3.

45. The APK version of the Instagram app is also likely to disrupt the Complainant's business by driving users to third party applications. See *Instagram, LLC v. Aina Jannat Aina Jannat*, *supra*.

46. Although the Respondent's website features disclaimer-like statement, it is not displayed prominently and is only accessible at the bottom of the homepage. However, the Complainant submits that even if a clearly visible disclaimer was featured on the Respondent's website, it would not be sufficient to cure the Respondent's illegitimate use of the Domain Name. See WIPO Overview 3.0, section 3.7. and *Instagram, LLC v. Protection of Private Person et al.*, WIPO Case No. D2022-2832 (<insta-stories.online> et al.).

47. *The Complainant therefore asserts that the Domain Name was registered and is being used in bad faith, in accordance with paragraph 4(a)(iii) of the Policy.*

The Respondent has not submitted a response.

Under Paragraph 4(b)(iv) of the UDRP Policy, a respondent is deemed to have registered and used a domain name in bad faith where it intentionally seeks to 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 respondent's website or of products or services offered on it.

In this case, the Respondent's conduct falls squarely within this provision. The DDN incorporates the Complainant's trademark in its entirety, while the associated website replicated the Complainant's distinctive pink gradient colour scheme along with a favicon, which closely resembles the Instagram logo. Such plain imitation clearly demonstrates an intention to divert users by exploiting the heavy traffic that the Complainant's website may experience regularly towards its own tools and services. Panels have consistently held that such conduct corroborates a finding of bad faith. See *Instagram, LLC v. Protection of Private Person et al.* (WIPO Case No. D2022-2832).

Lastly, a review of the Respondent's website also uncovered the Respondent's prior knowledge of the Complaint's existence, renown and goodwill while registering the DDN; A statement extracted verbatim from the site states "*Instagram Pro is an advanced application that was created as a duplicate modified copy of the original Instagram. This upgraded form brings the full Instagram experience to clients at no expense, bragging a plenty of elements and capacities*". Such tools may facilitate the storage or misuse of users' protected information along with violating Instagram's own terms of use, all of which, further supports a finding of bad faith in this case. See *Instagram, LLC v. Aangothu Renuka, Jawaharlal N, Instadownloader* (WIPO Case No. D2024-0144).

When, overall circumstances point to bad faith, incorporating a disclaimer by the Respondent would not be sufficient to negate a finding of bad faith. This appears to be the case here as well, as the Respondent purports to contain a disclaimer which is neither clear nor prominently displayed, scarcely sufficient to convince the Panel to turn away from a deduction of bad faith (See WIPO Overview 3.0 (Section 3.7))

Accordingly, the Panel concludes that the Respondent registered and is using the DDN in bad faith, and the Complainant has satisfied the third element of the Policy.

6 Decision

Upon reviewing the contentions and information provided by the Complainant above, the Panel acknowledges that the “Instagram” mark is registered and owned by the Complainant and the Respondent has no trademark rights over it.

The continuous use of these DDN may adversely affect the business and could jeopardize the reputation of the Complainant by amounting to confusion of ownership of the DDN even if they might be situated in different and separate jurisdictions.

The equitable and complete use of the Complainant’s rights, requires them to exercise sole ownership and control of any associated DDN and/ or trademarks/ logos of Instagram, in order to prevent any confusion and ambiguity for users and the public, in general.

Taking all the above discussions into consideration, the Panel concludes and decides that:

1. The Respondent’s registration of the DDN does not violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is confusingly similar to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest in the DDN;
4. The DDN was registered and is being used in bad faith.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the DDN < instapro2.pk> to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through the website where it will be uploaded, www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

The Respondent may request a review of this decision within thirty (30) days from the date of this decision, in accordance with Rule 13 of the Supplemental Rules. The Respondent may seek leave to appeal this decision within sixty (60) days from the date of this decision, in accordance with Rule 17 and 18 of the Supplemental Rules.

Arbitrator: Ardavan D. Solan



Sole Panelist

Date: 05 December 2025