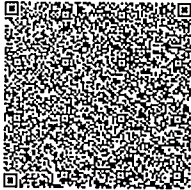


Government of National Capital Territory of Delhi

e-Stamp


Certificate No.	: IN-DL44649190051301X
Certificate Issued Date	: 29-Aug-2025 12:54 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-NDD
Unique Doc. Reference	: SUBIN-DLDLSHIP1721594005352019X
Purchased by	: ABHINAV S RAGHUVANSHI
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: ABHINAV S RAGHUVANSHI
Second Party	: Not Applicable
Stamp Duty Paid By	: ABHINAV S RAGHUVANSHI
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



Please write or type below this line

IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULE OF PROCEDURE
AND THE ARBITRATION AND CONCILIATION ACT, 1996

FINAL AWARD



- The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding.
- Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
- The onus of checking the legitimacy is on the users of the certificate.
- In case of any discrepancy please inform the Competent Authority.

\vdots

**IN THE MATTER OF THE ARBITRATION ACT 1996 as Amended by
Arbitration & Conciliation (Amendment) Act, 2015
and
INDRP Rules of Procedure;
and
.IN Domain Name Dispute Resolution Policy (INDRP)
and
In the matter of arbitration between**

Instagram, LLC

1601 Willow Road
Menlo Park, California 94025
United States of America
Vs

.... Complainant

Muhammad Tahir

Mohalla Shumali Eid Ghah Road
Tehsil Taunsa Sharif District DG Khan
Taunsa Sharif, Punjab 32100
Pakistan

.... Respondent

in respect of Disputed Domain Name(s):

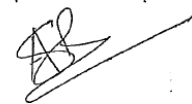
[instapro.net.in]

INDRP Case No; 1968

FINAL AWARD

Date: 29.08.2025

Venue: New Delhi, India



ABHINAV S. RAGHUVANSHI

SOLE ARBITRATOR

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A. THE PARTIES AND THEIR REPRESENTATIVE:

1. Claimant

Instagram LLC
1601 Willow Road,
Menlo Park, California, 94025
United States of America
Tel: +33 1 53 67 47 47
Fax: +33 1 53 67 47 48
Email: domaindisputes@hoganlovells.com

Legal Representative

David Taylor/ Jane Seager
Hogan Lovells (Paris) LPP
17 avenue Matignon
75008 Paris France
Tel: +33 1 53 67 47 47
Fax: +33 1 53 67 47 48
Email: domaindisputes@hoganlovells.com

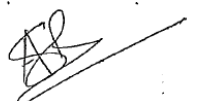
2. Respondent

Muhammad Tahir
Mohalla Shumali Eid Ghah Road
Tehsil Taunsa Sharif District DG Khan
Taunsa Sharif, Punjab 32100
Pakistan
Tel: -92.3186934455
Email: instaproapk.net@gmail.com;
support@instapro.live

B. THE DOMAIN NAMES AND REGISTRAR:

The disputed domain name <instapro.net.in> is registered through the Registrar Dynadot LLC is accredited with the .IN Registry and is listed on the website of the .IN Registry having its Contact Address:

Dynadot LLC
P.O. Box 345
San Mateo CA 94401
United States



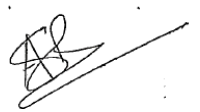
Tel: +1 6502620100
Email: info@dynadot.com

C. PROCEDURAL HISTORY:

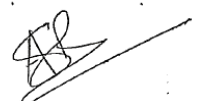
1. Sh. Abhinav S. Raghuvanshi was appointed as the sole Arbitrator on 28th March 2025 by the NIXI to act as an Arbitrator in the INDRP case no. 1968 regarding the complaint dated 11th February 2025 filed under the INDRP by the Complainant.
2. On 16th May 2025, the Arbitral Tribunal issued the Notice of Arbitration and further directed the Complainant to effect the service on the Respondent and file an Affidavit of Service to that effect. The Respondent was given an opportunity to file a response in writing in opposition to the complaint, if any, along with evidence in support of its stand or contention on or within 15(fifteen) days.
3. The Respondent did not respond to the notice issued on 16th May 2025.
4. Service of the Notice of Arbitration dated 16th May 2025 was affected by the counsel for the complainant, and the same was intimated to the Tribunal by Jane Seager, representative of the complainant. The complaint (with annexures) was sent to the email address of the Respondent shown in the WHOIS details. Consequently, the service of the Notice of Arbitration on the Respondent was done in accordance with Rule (2) of the INDRP Rules.
5. In the interest of Justice, the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure directed the Complainant to once again affect service of this Notice of Arbitration along with copy of Complaint and Annexure, complete in all respects and the Complainant and Annexures, complete in all respects by email on 20th May 2025 to the Respondent.
6. Even after the Service of Notice of Arbitration twice, the Respondent did not respond.
7. On 6th June 2025, Written Submissions were filed by the Complainant in relation to the case of INDRP Case No. 1968.
8. There was a delay of 45 (forty five) days in passing the present Award, primarily due to the Arbitrator's unavailability, as he was unwell owing to a high blood sugar episode and other health-related issues.

D. COMPLAINANT CONTENTION:

It is the case of Complainant that:



1. The Complainant is a world-renowned leading online photo and video sharing social-networking application. Since its launch in 2010, Instagram rapidly acquired and developed considerable goodwill and renown worldwide. Acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012. As on date 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 copy of screen capture of the homepage of the Complainant's website <https://instagram.com> has been attached by the Complainant as **Annexure 4** along with the complaint.
2. The Complainant submits that Instagram has consistently ranked amongst the top "apps" for mobile devices, including for iOS and Android operating systems. Instagram is currently the most downloaded application worldwide, according to *The Financial Times*. A copy of supporting document has been attached by the Complainant as **Annexure 5** along with the complaint.
3. The Complainant further contends that 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. See, for instance, "Instagram Quickly Passes 1 Million Users", *The New York Times* (21 December 2010)² and "DIGITAL 2023: PAKISTAN", Datareportal (13 February 2023). A copy of supporting document has been attached by the Complainant as **Annexure 6** along with the complaint.
4. It is the case of the Complainant's business that given the exclusive online nature of the business, the Complainant's domain names consisting of its trade mark are not only the heart of its business, but also a primary way for its millions of users to avail themselves of its services. 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 as well as under numerous country code Top-Level Domains. A copy of the WhoIs records for a selection of the Complainant's domain names has been attached by the Complainant as **Annexure 7** along with the complaint.
5. The Complainant has further made substantial investments to develop a strong presence online by being active on various social-media platforms, including Facebook, Twitter and LinkedIn. These pages are available at the following URLs:
<https://instagram.com/instagram>
<https://facebook.com/instagram>
<https://twitter.com/instagram>
<http://linkedin.com/company/instagram>



A copy of Screen captures of the Complainant's social-media pages has been attached by the Complainant as **Annexure 8** along with the complaint.

6. The Complainant has secured ownership of numerous trade mark registrations for INSTAGRAM and INSTA, as well as figurative trade mark registrations for its Instagram logo, in various jurisdictions. Details of which has been enumerated in the complaint as followed:

International Trademark Registration No. 1129314, INSTAGRAM, registered 15 March 2012;

United States Trademark Registration No. 4,146,057, INSTAGRAM, registered 22 May 2012;

Indian Trade Mark No. 3042394, INSTAGRAM, registered on 27 August 2015;

European Union Trade Mark No. 14493886, INSTAGRAM, registered 24 December 2015;


Pakistani Trade Mark No. 398679, INSTAGRAM, registered on 1 May 2017;

United States Trademark Registration No. 5,061,916, INSTA, registered 18 October 2016;

Indian Trade Mark No. 3101498, INSTA, registered on 5 December 2017; and

European Union Trade Mark No. 014810535, INSTA, registered on 23 May 2018.

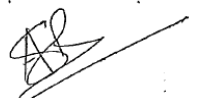
The Complainant has also secured ownership of the following figurative trade marks:

– *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.*

A copy of these trade mark registrations are has been attached by the Complainant as **Annexure 9** along with the complaint.

7. The Complainant was recently made aware of the Domain Name, comprising its INSTA Trademark followed by the term "pro", under the domain extension "net.in", registered on 26 April 2023.
8. Upon enquiry by the Complainant, it was found that the Domain Name currently redirects ⁴ to <https://instapro.live>, a website titled "InstaPro - Download



InstaPro APK Latest v11.90 Android 2024" that purports to offer for download an unauthorized modified APK⁵ version of the Instagram application that offers functionality that goes beyond that offered in the official Instagram application, including the ability to download Instagram content (**the Respondent's website**).

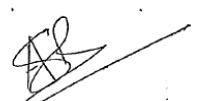
The Respondent's website states:

"Insta Pro APK is modified version of Instagram that allows users to download photos, videos from Instagram Pro and brings advanced features."

9. The Complainant submits that the Respondent's website makes prominent reference to the Complainant's INSTAGRAM and INSTA trade marks, and features the Complainant's logo and figurative trade mark as a logo and favicon, as well as a pink/purple colour scheme that is similar to the colour scheme used by the Complainant. In support of this contention, screen captures of the trademark and logo of the Complainant and the Respondent in comparison format has been attached by the Complainant in the complaint.
10. The Complainant states that the Respondent's website contains a step-by-step guide on how to download and install the InstaPro APK.
11. The Complainant points out that the "Disclaimer" tab of the Respondent's website features the following disclaimer-like statement:
"InstaPro is a modified version of Instagram and is not affiliated with Instagram, Inc. Any use of the app is at your own risk, and we recommend adhering to Instagram's terms of service."
12. The Complainant contends that the Respondent's website features commercial advertising banners and full-page advertising pop-ups. In support of this contention, screen captures of the website to which the Domain Name redirects and the proof of redirection has been attached by the Complainant as **Annexure 10** along with the complaint.
13. The Complainant further highlights that the Respondent's full contact details are very similar to the full contact details that WIPO transmitted in the active case of WIPO Case No. D2024-4981 in relation to the domain name <myinstapro.org>, as follows:

Contact Name:	Muhammad Tahir
Address:	District DG Khan Tehsil Taunsa sharif Mohalla Shumali Chah Ghallu Wala
City/State/Zip:	Taunsa Sharif, Punjab 32100
Country:	Pakistan
Phone:	+92.3186934455
Email:	gbapps.pk@gmail.com

A copy of the full contact details transmitted by WIPO in the case of WIPO Case



No. D2024-4981 has been attached by the Complainant as **Annexure 11** along with the complaint.

14. The Complainant brings to the notice of this Tribunal that the email address disclosed for the Respondent in the case of WIPO Case No. D2024-4981 has been listed in the underlying registrant details of the respondent in the following cases, in each of which the relevant panel ordered the transfer of the disputed domain name to the complainant, being either the Complainant or the Complainant's related company, WhatsApp LLC:
- i. *WhatsApp LLC v GB Apps*, .PK Case Number C2024-0004 (<whatsappgb.pk>);
 - ii. *WhatsApp LLC v. Apps.Pk*, WIPO Case No. D2024-2487 (<gbwhatsapppro.app>);
 - iii. *WhatsApp LLC v GB Apps, Apps.Pk*, WIPO Case No. DCO2024-0043 (<gbwhatsapp.net.co>);
 - iv. *Instagram LLC v GB Apps*, INDRP Case No. 1889 (<instapro.ind.in>);
 - v. *Instagram LLC v GB APPS*, INDRP Case No. 1890 (<instapro.com.in>); and
 - vi. *WhatsApp LLC v GB Apps*, .PK Case Number 2024-0008 (<gbwhatsappdownloads.pk>).
- A copy of the full registrant information disclosed for a selection of these prior cases has been attached by the Complainant as **Annexure 12** along with the complaint.

E. **RESPONDENT CONTENTION:**

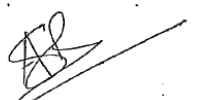
The Respondent has not filed any response pursuant to the notice issued by this Tribunal dated 16.05.2025 and thus, this Tribunal is not in position to appreciate the exact contentions of the Respondent. However, prima facie it appears that the Respondent's use of disputed domain name is not bona fide. Nevertheless, the Tribunal firmly believes that even in the uncontested matter, the petitioner's case must stand on its own legs and it cannot derive any advantage by absence of the respondents therefore, the complainant must still establish each of the three elements as mentioned in clause 4 of the INDRP policy. Tribunal also notes decision of Hon'ble Supreme Court of India in *Sudha Agarwal vs Xth Additionl District Judge & Ors* (1996) 6 SCC 332. The disputed domain name was registered on 26.04.2023.

F. **DISCUSSIONS AND FINDINGS:**

The complainant seeks to rely upon paragraph 4 of the .IN Policy, which reads as:

"Any Person who considers that a registered domain name conflicts with his legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and

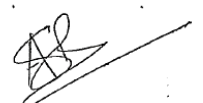


- b) the Respondent has no rights or legitimate interests in respect of the domain name; and
- c) the Registrant's domain name has been registered or is being used in bad faith."

And the Complainant seeks to assert that each of the aforementioned factors.

A. Whether the Respondent's domain name - <instapro.net.in> is identical to a name, trademark/ Trade name or Service mark, in which the Complainant has right?

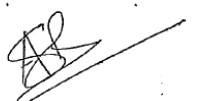
- i. The Complainant is a world-renowned leading online photo and video sharing social-networking application. Since its launch in 2010, Instagram rapidly acquired and developed considerable goodwill and renown worldwide. Acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012, today Instagram 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.
- ii. The Complainant has submitted that the disputed Domain Name is confusingly similar to its registered trade mark *INSTA*. The Domain Name incorporates the *INSTA* mark in its entirety with the mere addition of the term "pro" and the extension ".net.in". Such addition does not prevent a finding of confusing similarity, as the Complainant's mark remains clearly recognizable. The Complainant has relied upon WIPO Overview 3.0, section 1.8 and *LLC. v. pinoy toshows*, WIPO Case No. D2023-3723 (<instagrampro.app>): "While the addition of other terms (here, 'pro') 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." The Complainant further relied upon *Dubizzle Limited v. Registration Private, Domains By Proxy, LLC / Dubizzle Pro, Dubizzlepro*, WIPO Case No. D2021-1612 (<dubizzlepro.com>).
- iii. With regard to the ".net.in" domain extension, it is well established under the .IN Policy that such domain extensions may be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant's trade mark. The Complainant relied upon *Google LLC v. Hom Kit Bk Picture*, INDRP/1814 (<simsim.net.in>).



- iv. Thus, it is prima facie clear that the Domain Name is confusingly similar to the Complainant's trade mark in accordance with paragraph 4(a) of the .IN Policy.

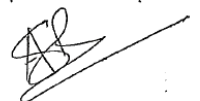
B. Whether the Respondent has no rights or legitimate interests in respect of the domain name?

- i. That the Complainant has seeks to rely on prior panels, deemed to which, he has referred to findings of the .IN Policy wherein, it has been held that, "where a complainant makes out a *prima facie* case that a 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element." The Complainant has also relied upon *Instagram LLC v. Osbil Technology Ltd*, INDRP/1130 (<instagrampanel.in>).
- ii. The Complainant has highlighted that the Respondent cannot demonstrate that, prior to notice of this dispute, it used or made preparations to use the disputed Domain Name for a bona fide offering of goods or services, as required under paragraph 6(a) of the .IN Policy. Further, the Complainant asserted that the Complainant has not authorised, licensed, or otherwise permitted the Respondent to use its *INSTA* trade mark in any manner, including in the disputed Domain Name. The Complainant seeks to rely on prior panels, deemed to which, he has referred to findings wherein, it was held that the lack of such prior authorisation would be sufficient to establish a *prima facie* case regarding the respondent's lack of rights or legitimate interests in the disputed domain name and *Wacom Co. Ltd. v. Liheng*, INDRP/634, <wacom.in> (finding no legitimate interest where "the Complainant



has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name").

- iii. The Complainant has further highlighted that the Respondent's website purports to offer for download an unauthorized modified APK version of the Instagram application, with additional functionality, including the ability to "download photos, videos from Instagram Pro and brings advanced features. The Complainant seeks to rely on WIPO Overview 3.0, section 2.8. and prior panels, deemed to which he has referred to findings wherein, it was 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. Whether or not this is the case 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):
- a. *The respondent must actually be offering the goods or services at issue;*
 - b. *The respondent must use the site to sell only the trade marked goods or services;*
 - c. *The site must accurately and prominently disclose the registrant's relationship with the trade mark holder; and*
 - d. *The respondent must not try to "corner the market" in a domain name that reflects the trade mark.*
- iv. The Complainant has asserted that the Respondent cannot 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 trade mark to market its own ancillary services as detailed above.

A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke extending to the right.

v. Nevertheless, even if one is to apply the *Oki Data* criteria, the Respondent fails to fulfil the first, second and third criteria, as follows:

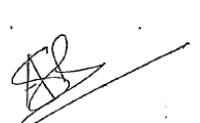
- a. *The Respondent's website purports to offer for download a third-party unauthorized APK version of the Instagram application. As such, the Respondent cannot be said to be using the Respondent's website to offer the goods or services at issue, namely the Complainant's Instagram application.*
- b. *The Respondent's website features commercial advertising banners from which it is very likely that the Respondent generates revenue. In this way, the Respondent is not using the site to sell only the trade marked goods or services, but is also using the site to advertise third-party products in order to generate click-through revenue.*
- c. *The Respondent's website fails to prominently disclose its lack of relationship with the Complainant. The wording on the separate tab titled "Disclaimer" that "InstaPro is a modified version of Instagram and is not affiliated with Instagram, Inc. Any use of the app is at your own risk, and we recommend adhering to Instagram's terms of service" is not prominently displayed on the Respondent's website. Rather, the homepage of the Respondent's website displays repeated references to the Complainant's INSTAGRAM and INSTA trade marks, together with the Complainant's figurative trade mark and logo and modified versions of it. The Respondent's website also features a pink/purple colour scheme that is similar to the colour scheme of the Complainant. As a result, the Respondent's website is likely to mislead Internet users into believing that it is operated or authorized by the Complainant, which it is not.*

The Complainant seeks to rely upon *LLC v. dileep yadav*, WIPO Case No. D2023-3227 (<instagramproapk.com>).

vi. The Complainant further asserted that the Respondent's use of the Domain Name violates the Meta Developer Policies, which prohibit the use, registration, or otherwise claiming of rights in any Meta trademark, including as or as part of any trademark, service mark, company name, trade name, username or domain registration. The Meta trademarks include INSTAGRAM and INSTA.⁷ The Meta Developer Policies also provide as follows:

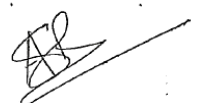
“ 3. Encourage proper use

1. Respect the way Facebook, Instagram, or any of our products looks and functions, and the limits we've placed on product functionality [...].”



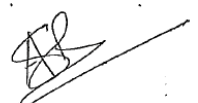
- vii. Similarly, the Instagram Terms of Use, which apply to the Complainant's Instagram platform, prohibit the modifying, translating, creating derivative works of or reverse engineering of Instagram's products or their components. It is clear that the Respondent's APK version of the Instagram application is derived from the Complainant's Instagram product, and that by purporting to offer for download an APK version of the Instagram application, the Respondent breaches and facilitates breach of the Instagram Terms of Use by Instagram users who use it to, inter alia, download Instagram content and such terms of use are available at <https://help.instagram.com/581066165581870>,
- viii. The Complainant furthermore asserted that the Respondent's website prominently features the Complainant's figurative trade mark and Instagram logo, as well as modified versions of it, both on the website itself and as a favicon, for purposes of promoting the downloading of the third-party modified APK version of the Instagram application. The Complainant seeks to rely upon prior panels, deemed to which, he has referred to findings wherein, it has been held that such use cannot be considered as *bona fide* as it is clear that the Respondent deliberately designed its website to give the false impression to Internet users that they have reached a website affiliated with or endorsed by the Complainant, and the modified Instagram APK app offered for download therein is authorized by or otherwise connected with the Complainant, which is not the case. The Complainant has also relied upon *LLC v. dileep Yadav, supra*:

"this Panel has noticed that Respondent on the website under the disputed domain name not only makes prominent use of Complainant's stylized INSTAGRAM design trademarks and logos (also in modified versions) without any authorization to do so, but also allegedly offers various modified mobile applications of Complainant's



INSTAGRAM app. Based on the available record, the Panel, therefore, finds the second element of the Policy has been established."

- ix. The Complainant has submitted that the Respondent's name "Muhammad Tahir" does not bear any resemblance to the Domain Name. The Complainant submits that the fact that the Respondent's email address, instaproapk.net@gmail.com, features the Domain Name, is not sufficient to give rise to a legitimate claim that the Respondent is commonly known by the Domain Name; see WIPO Overview 3.0, section 2.3. To the best of the Complainant's knowledge, the Respondent has not secured or seeks to secure any trade mark rights in the terms "insta" or "instapro".
- x. The Complainant further submitted that the Respondent's use of the Domain Name, to purport to offer for download a third-party unauthorized APK application that seeks to trade off the goodwill and reputation associated with the Complainant's INSTA and INSTAGRAM trade marks, which violates the Meta Developer Policies, breaches the Instagram Terms of Use and facilitates breach of the Instagram Terms of Use by Instagram users 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 trade mark rights.
- xi. The Complainant drew attention to the Respondent's use of the Domain Name, to purport to offer for download an unauthorized modified APK version of the Complainant's Instagram application, does not amount to legitimate non-commercial or fair use. Nor can the provision of services that facilitate breach of the Complainant's Terms of Use give rise to rights or legitimate interests in the Domain Name. The Complainant has relied upon *Lemon Inc. v. saleem abbas*, WIPO Case



No. D2023-4066 (<ressomodapk.com>):

"the Respondent uses the Website to offer information and guidance relating to a modified version of the Complainant's Resso app. Said use of the Domain Name further supports the risk of implied affiliation of the Domain Name with the Complainant and thus, cannot be considered to confer rights or legitimate interests of the Respondent".

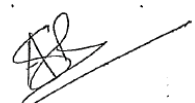
- xii. From the discussions and analysis, hereinabove, the Respondent's website features commercial advertising banners and full page commercial advertising pop-ups, from which the Complainant infers that the Respondent generates click-through revenue. As a result, the Respondent cannot be said to be making no legitimate non-commercial or fair use of the Domain Name. The Complainant has relied on *PJ Yakiniku Inc. and PJ Restaurant Group Inc. v. Mina Ro, Perfect Galaxy, and Khuong Dinh Van, Apecsoft*, WIPO Case No. D2024-1778 (<888japanesebbq.net> et al.):

"The Panel further notes the presence of banner advertising on the Respondent's websites. It is more likely than not that the Respondent derives revenue from such advertising, and as such the Respondent appears to be making unauthorized use of the Complainant's marks for commercial gain."

The Complainant further relied upon *WhatsApp LLC v. Mary Anne*, WIPO Case No. D2021-1240 (<freewhatsappdownload.net>).

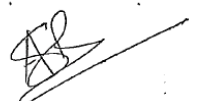
- xiii. In the light of above discussions, it has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. Accordingly, the burden of production shifts to the Respondent to produce evidence to rebut the Complainant's case; see paragraph 6 of the Policy and WIPO Overview 3.0, section 2.1. In the absence of such evidence, the Complainant may be deemed to have satisfied the requirements of paragraph 4(b) of the Policy.

C. Whether the Registrant's domain name has been registered or is being used



in bad faith?"

- i. The Complainant's INSTAGRAM trade mark is inherently distinctive and well-known throughout the world, in connection with its online photo sharing social network, including in Pakistan where the Respondent appears to be based. Similarly, the Complainant's INSTA trade mark is well known throughout the world as an abbreviation of its INSTAGRAM trade mark. 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.
- ii. The Complainant seeks to rely upon previous panels, deemed to which, he has referred to the findings of the .IN Policy wherein, it was recognized the strength and renown of the Complainant's INSTA and INSTAGRAM trade marks and have ordered the transfer of disputed domain names comprising such trade marks to the Complainant in numerous decisions. The Complainant also relied upon *Instagram LLC v. Osbil Technology Ltd.*, INDRP/1130 (<instagrampanel.in>):
"The Complainant's INSTAGRAM trade mark is inherently distinctive and has rapidly acquired considerable renown and goodwill worldwide, including in India..."
- iii. The Complainant has brought to notice *Instagram LLC v. GB Apps*, INDRP/1889 (<instapro.ind.in>):
"This panel observes that the Complainant's INSTAGRAM & INSTA trade mark[s] are inherently distinctive and well-known in many countries including in Pakistan, in connection with its online photo sharing social network. It is further observed by this Panel that the Respondent has failed to rebut the allegations of the Complainant that the Complainant's renown and goodwill worldwide, including in Pakistan, and its trademark rights in INSTAGRAM and INSTA established long before the registration of the Domain Name in September 2023, and the Respondent could not credibly argue that it did not



have knowledge of the Complainant's INSTAGRAM or INSTA trademarks when it registered the Domain Name."

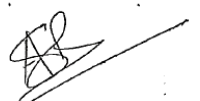
The Complainant has relied upon *LLC v. Privacy Protect, LLC (PrivacyProtect.org) / Elnur Alizade*, WIPO Case No. D2021-1845 (<insta-shark.com>).

- iv. The Complainant highlighted that given the Complainant's renown and goodwill worldwide, including in Pakistan, and its trade mark rights in INSTAGRAM and INSTA established long before the registration of the Domain Name in April 2023, the Respondent could not credibly argue that it did not have knowledge of the Complainant's INSTAGRAM or INSTA trade marks when it registered the Domain Name. The Complainant has relied upon *Instagram LLC v Van Nam Tran, University*, WIPO Case No. D2024-1576 (<instaviewers.net> et al.):

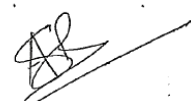
"The circumstances in this case leave no doubt that Respondent was fully aware of Complainant's worldwide renowned social network application 'Instagram' and its rights in the GRAM, INSTA and INSTAGRAM trademarks when registering the disputed domain names [in May and June 2022] and that they clearly are directed thereto."

- v. The Complainant further highlighted that the Respondent's use of the Domain Name, to redirect Internet users to its website promoting an unauthorized APK version of the Complainant's Instagram application, clearly targets Instagram. Further, the Respondent's use of the Domain Name strongly suggests that the Respondent intended to create confusion with the Complainant and its trade marks when registering the Domain Name, and did so to provide an unauthorized version of the Complainant's Instagram application, in breach of the Instagram Terms of Use and which facilitates breach of the Instagram Terms of Use by Instagram users.

The Complainant has relied upon WIPO Overview 3.0, section 3.2.1., *Lemon Inc. v. saleem abbas, supra* and *Instagram, LLC v. zeeshan khan*, WIPO Case No. D2023-3228 (<instagrampro.pro>).



- vi. In addition, as detailed above, the Respondent can be linked to the respondent "GB Apps", which was named as the respondent in various domain name dispute resolution cases in relation to the domain names <whatsappgb.pk>, <gbwhatsapppro.app>, <gbwhatsapp.net.co>, <instapro.ind.in>, <instapro.com.in> and <gbwhatsappdownloads.pk>, in each of which the relevant Panel ordered transfer of the disputed domain name. The Complainant submits that the Respondent has engaged in a pattern of trade mark abusive registration targeting the Complainant and its related company, WhatsApp LLC, which amounts to further evidence of the Respondent's bad faith.
- vii. As enclosed above, the Respondent is using the Domain Name to purport to offer for download an unauthorized modified APK version of the Complainant's Instagram application, in violation of the Meta Developer Policies, which apply to the Instagram platform, and in breach of the Instagram Terms of Use. The Respondent's APK version of the Instagram application also facilitates breach of the Instagram Terms of Use by Instagram users as it purports to enable Instagram users to download Instagram content, which interferes with the intended operation of the Instagram service.
- viii. The Complainant has submitted that through the Respondent's use of the Domain Name, it has intentionally attempted to attract Internet users to online locations by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation or endorsement of the website, in accordance with paragraph 7(c) of the .IN Policy.
- The Complainant has relied on *Amazon Technologies Inc. v Mr. Alex Parker*, INDRP/1166 (<amazonemi.in>):



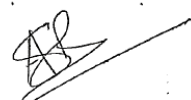
"The Respondent's registration of the domain name <amazonemi.in> is likely to cause immense confusion and deception and lead the general public into believing that the said domain name enjoys endorsement or authorized by or is in association with and/or originates from the Complainant.

The foregoing circumstances lead to the presumption that the domain name in dispute was registered and used by the Respondent in bad faith."

The Complainant has also relied upon *Instagram LLC v. Osbil Technology Ltd, supra*.

- ix. In view of the confusing similarity between the Domain Name and the Complainant's INSTA trade mark, coupled with the Respondent's use of the Domain Name as detailed above, in the absence of a prominent disclaimer regarding the Respondent's (lack of) relationship with the Complainant, Internet users are likely to be misled into believing that the Respondent's website is somehow affiliated with or otherwise endorsed by the Complainant, which it is not. This is particularly the case given that the Respondent's website features the Complainant's logo and figurative trade mark and modified versions of it, as well as a similar pink/purple colour scheme to the colour scheme used by the Complainant. The Complainant relied upon *WhatsApp Inc. v. Edwin Lizcano, Inversiones Capira SAS*, WIPO Case No. D2021-1904 (<instalkr.com>).

- x. Although commerciality is not expressly required under paragraph 7(c) of the .IN Policy, the Complainant submits that it is very likely that the Respondent derives commercial gain from the commercial advertising banners featured on the Respondent's website and full page commercial advertising pop ups, as well as deriving commercial advantage from the unauthorized use of the



Complainant's INSTA trade mark in the Domain Name, and the Respondent's unauthorized use of the Complainant's INSTA and INSTAGRAM trade marks on the Respondent's website. In this way, the Complainant submits that the Respondent is using the Domain Name to intentionally attract Internet users to its website or other on-line location, 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 and the services offered therein, in bad faith, pursuant to paragraph 7(c) of the Policy.

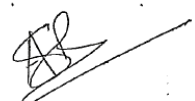
- xi. Further, the unauthorized accessing and collecting of Instagram content may put the security of Instagram users at risk, as content downloaded from the Instagram platform may be stored and later used for unauthorized purposes by third-parties. The Complainant is committed to maintaining the integrity of its Instagram service and does not support such third-party applications.

The Complainant has highlighted *Meta Platforms, Inc. v. Muhammad Shahbaz*, WIPO Case No. D2024-0288(<facebookvideodownloader.live>):

"The tools provided on the Respondent's website, by [...] sidestepping the inability of users to download Facebook or Instagram content directly, may place the privacy and security of Facebook and Instagram users at risk as the downloaded content can be stored and later used for unauthorized purposes by third parties."

- xii. The Complainant has brought to notice that when downloading the APK version of the Instagram application, there is a risk that Internet users are prompted to download malware, which constitutes further evidence of bad faith. The Complainant has relied upon *WhatsApp, LLC v. Adila Ayaz, Freelance*, WIPO Case No. D2024-2999 (<whatsappgold.org> et al.):

"The Panel considers that the use of disputed domain names for active websites offering the download of an unauthorized, unlicensed version of the

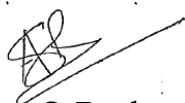


Complainant's application used by billions of users worldwide, implies a risk that such applications may be designed to phish for the personal data of WhatsApp users or may cause users to download malware."

- xiii. Although the .IN Policy requires proof of either registration or use in bad faith, the Complainant submits that the disputed Domain Name was both registered and is being used in bad faith. Paragraph 7 of the .IN Policy sets out non-exhaustive circumstances that may constitute evidence of such bad faith under Paragraph 4(c).
- xiv. The Complainant submitted that paragraph 7(c) of the .IN Policy is of particular relevance in the present case, although there are other factors not listed in this paragraph that also indicate bad faith.
- xv. In view of the above, it is evident that the Domain Name was registered and is being used in bad faith in accordance with Paragraph 4(c) of the .IN Policy.

G. DECISION:

In the light of foregoing findings, namely, that the domain name is confusingly similar to a mark in which the Complainant have rights, that the Respondent has no rights or legitimate interests in respect of disputed domain name and that the disputed domain name was registered in bad faith and being used in bad faith in accordance with the policy and rules, the arbitrator orders that domain name **<instapro.net.in>** be transferred to the Complainant.



Abhinav S. Raghuvanshi

Sole Arbitrator

Place: New Delhi
Date: 29.08.2025