



தமிழ்நாடு தமில்நாடு TAMILNADU 09/12/25
BEFORE TMT. M. SHIRIJHA, B.Sc., M.L.

Shirijha, M

SOLE ARBITRATOR, AT CHENNAI

7th January 2026

COMPLAINT INDRP Case No. 2075

HES 723373
திருமதி. N. புவனேஸ்வரி
முத்திரைத்தான் விற்பகுண்யாளர்
1/1613-D, 16வது வீதி, பாலமுக்கூன் நகர்
சௌமூலரம், திருவள்ளூர்-600 067
தீர்மான எண்: 1057-3/367/2021

2024
IN THE MATTER OF AN
ARBITRATION FOR A DISPUTE
RELATING TO THE DOMAIN NAME
<instaup.net.in> UNDER THE .IN
DOMAIN NAME DISPUTE

Instagram, LLC

1601 Willow Road

Menlo Park, California 94025

United States of America

...Complainant

Versus

GB Apps,

Apps.Pk,DG Khan Tehsil Taunsa sharif

Taunsa Sharif Punjab, 32100

Pakistan

... Respondent

AWARD PASSED UNDER THE INDRP RULES OF PROCEDURE

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M. SHIRIJHA B.Sc., M.L.
STS Law Associates
2/669A, River View Enclave, First Main Road,
Manapakkam, Chennai - 600 125.

AND THE ARBITRATION AND CONCILIATION ACT, 1996

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I. PARTIES TO THE ARBITRATION

1. The Complainant is Instagram LLC, an American company with its principal place of business at 1601 Willow Road, Menlo Park, California, 94025, United States of America represented by their Power of Attorneys David Taylor / Jane Seager, Hogan Lovells (Paris) LLP, 17 avenue Matignon - 75008 Paris with Email : domaindisputes@hoganlovells.com

2. The Respondent is GB Apps, Apps.Pk, DG Khan Tehsil Taunsa sharif, Taunsa Sharif Punjab, 32100, Pakistan with Email: gbapps.pk@gmail.com

II. APPLICABLE LAW AND JURISDICTION

The .IN Domain Name Dispute Resolution Policy

The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (the Policy) which was adopted by the National Internet Exchange of India (NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name. By registering the domain name **<instaup.net.in>** with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure posted 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

III. Filing of the Complaint and Constitution of the Arbitral Tribunal

1. The Complainant filed the Complaint under the .IN Domain Name Dispute Resolution Policy against the Respondents, seeking transfer of the Domain Name **<instaup.net.in>** into the Complainant, Following which, the .IN Registry sought the consent of **Tmt.M.SHIRIJHA** (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under 5 (a) of the Rules, to act as Arbitrator in the said matter.
2. On 30th October 2025, the Arbitral Tribunal consisting of the said **Tmt.M.SHIRIJHA** as Sole Arbitrator was constituted under 5(b) of the Rules in respect of the Complaint filed by the Complainant herein.
3. On the same day, on Perusal of documents filed along with the Complaint, This Tribunal directed the Complainant to file the Power of Attorney deed from the Complainant to represent the case and same was complied on 21st November 2025 and hence on 28th November 2025, this Tribunal issued the Notice of Arbitration under 5(c) of the Rules. To the parties for commencement of Arbitral Proceedings.



4. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT

The particulars of the registration of the domain name 'instaup.net.in' as found in the .IN Registry database are set out below: Dynadot LLC, P.O. Box 345, San Mateo CA 94401, United States Email: info@dynadot.com

V. PROCEDURAL HISTORY

1. The Sole Arbitrator, Tmt.M.SHIRIJHA was appointed on 30th October 2025, for the present INDRP case.

2. Immediately thereafter, On the same day, on Perusal of documents filed along with the Complaint, This Tribunal directed the Complainant to file the Power of Attorney deed from the Complainant to represent the case and same was complied on 21st November 2025 and hence on 28th November 2025, this Tribunal issued the Notice of Arbitration under 5(c) of the Rules, to the parties for commencement of Arbitral Proceedings and directed the Complainant to serve the said Notice to the Respondent both Online and Offline to the address mentioned therein. 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 before seven working days from the date of receipt of the said Notice.

3. On 3rd December 2025, the Complainant filed proof of Online and Offline dispatch of the Notice issued to the Respondent. On 17th December 2025, the Complainant submitted to accept the delivery of Online Notice delivered to the Respondent itself as sufficient as the Offline Notice dispatched to them will consume more time. His request was considered and as inspite of giving sufficient time, there is no response from the Respondent who has received Email Notice, This Arbitral Tribunal

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holds that the service on the Respondent held sufficient and was done in accordance with Rule 2(a) of the Rules. He was set Ex parte.

VI. COMPLAINANT'S CONTENTIONS

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, 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. Given the exclusive online nature of the Complainant's business, the Complainant's domain names comprising its trade mark are not only the heart of its business, but also a primary way for its millions of users to use its services. The Complainant is the registrant of numerous domain names comprising its INSTAGRAM trade mark under a range of generic Top-Level Domains and numerous country code Top-Level Domains. The Complainant has also made substantial investments to develop a strong presence online by being active on various social-media platforms. The Complainant owns numerous trade mark registrations for INSTAGRAM and INSTA, as well as figurative trade mark registrations for its Instagram logo, in various jurisdictions, including:— European Union Trade Mark Registration No. 1129314, INSTAGRAM, registered on 15 March 2012; United States Trademark Registration No. 4,146,057, INSTAGRAM, registered on 22 May 2012; Indian Trade Mark No. 2645896, INSTAGRAM, registered on 7 November 2018; Pakistani Trade Mark No. 398684, INSTAGRAM, registered on 23 April 2018; Indian Trade Mark No. 4789526, INSTA, registered on 30 May 2021; and European Union Trade Mark No. 18359602, INSTA, registered on 9 February 2023.

2. The Complainant is aware of the Domain Name, comprising its INSTA trademark followed by the term "up", under the domain extension ".net.in", registered on 1st September 2023. The Domain Name resolved to a website titled "InstaUp / InstaUp APK Download Latest Version for Android 2024" that purported to offer for

download an unauthorized modified APK version of the Instagram app, offering functionality going beyond that offered in the official Instagram application, including the ability to download Instagram content and purporting to offer "free followers" (the Respondent's website). The Respondent's website stated: "Today Instagram is used by billions of people. [...] I [...] introduce a premium version of Instagram's ordinary app to you called InstaUp APK. It is the modified version of the authorized app which provides you with a lot of premium features that you will not find anywhere else. These features include downloading media, [...] getting free followers, and getting free likes on your posts." The Respondent's website made prominent reference to the Complainant's INSTAGRAM and INSTA trademarks, and featured a modified version of the Complainant's logo and figurative trademark as a logo and favicon, as well as a pink/purple colour scheme similar to that of the Complainant. The Respondent's website did not feature any disclaimer-like wording as to the lack of relationship between the Respondent and the Complainant. On 6 December 2024, the Complainant's lawyers submitted a notice via the Registrar's registrant contact form inviting the Respondent to contact the Complainant. No response was received. At the time of filing of this Complaint, the Domain Name resolves to an inactive web page. The Respondent was named as respondent in numerous previous cases under in LEGO Juris A/S v. Robert Martin, INDRP/125 (<lego.co.in>), where the panel referred to prior UDRP decisions to support its findings. As detailed above, on 18 March 2025, the Complainant filed a Complaint with NIXI to recuperate the Domain Name (the Original Proceeding). On 19 July 2025, the Arbitrator in the Original Proceeding dismissed the Complaint on procedural grounds owing to the length of the Complainant's submissions, having included all paragraphs of the Complaint in the word count. The Complainant rectifies the word count in the present Complaint, which are less than 5,000 words. As stated in WIPO Overview 3.0, section 4.18: "A refiled case is one in which a newly-filed UDRP case concerns identical domain name(s) and parties to a previously-decided UDRP case in which the prior panel denied the complaint on the merits." The Complainant notes that the Arbitrator in the Original Proceeding denied to accept the

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Complaint "in its [then] present form" on procedural grounds rather than on the merits. The Complainant requests that it be permitted to refile the present shorter Complaint in the interests of justice. The Complainant notes that the Arbitrator in the Original Proceeding specified that he "did not deem [it] necessary to examine the Complainant's submissions in this regard" and requests that the Arbitrator appointed in the present case examine the Complainant's submissions on the merits. The Complainant submits this Complaint requesting transfer of the Domain Name under the Policy to protect its rights and legitimate business interests.

VII. DISCUSSIONS AND FINDINGS:

The Hon'ble Apex Court of India has repeatedly held that even in an uncontested matter the Plaintiff's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Accordingly, A Complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements required by Paragraph 4 of the INDRP Policy namely:

- a) The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.
- b) The Respondent has no rights or legitimate interests in respect of the domain name
- c) The Respondent's domain name has been registered or is being used in bad faith.

Accordingly, the Arbitral Tribunal shall deal with each of the elements as under:

a) Whether the Respondent domain name is identical and/or deceptively similar to domain name and trademarks of the Complainant?

i) The copy of the trademark registration certificate of Trademark "Instagram" and WHOIS records shows Complainant is the owner of the same in India. Further The Extensive Annexures shows that The Complainant owns numerous trademark registrations for "Instagram" in various jurisdictions and because of the extensive use and promotion of the "Instagram" trademark, the brand has gained recognition.



ii) The Complainant provided evidence with the Annexures, to establish that the Disputed Domain name <Instaup.net.in> is identical or confusingly similar to the Complainant's registered and distinctive trademark. The Complainant submits that it has established rights in the trademark INSTA for purposes of paragraph 4(a) of the Policy and that the Domain Name is confusingly similar to a trademark in which the Complainant has rights; The Domain Name comprises the Complainant's INSTA trademark followed by the term "up", under the domain extension ".net.in" and the addition of the term "up" does not prevent a finding of confusing similarity with the Complainant's INSTA trademark, which remains clearly recognizable in the Domain Name as per WIPO Overview 3.0, section 1.8. Instagram, LLC. V. Aleksey E Sumin, WIPO Case No. D2021-1904 (<instalkr.com>) and Instagram, LLC v. Ihor Grigoriev et al., WIPO Case No. D2023-4111 (<instarix.net> et al.); It is well established under the Policy that extensions such as ".net.in" may be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant's trademark as per Google LLC v. Hom Kit Bk Picture, INDRP/1814 (<simsim.net.in>) and thus the Domain Name is confusingly similar to the Complainant's trademark in accordance with paragraph 4(a) of the Policy.

iii) The contentions of the Complainant seem to be convincing and acceptable. Moreover, it is needless to say that the addition of the word 'the' and The replacement of the top- level domain name ".com" with ".in" makes no difference to the impugned domain name, as a prefix to the Complainant's registered trademark 'Instagram' and 'insta' and is incapable of lending the Disputed Domain Name any distinctiveness or reduce its similarity with the Marks. Hence, any use of the Disputed Domain Name will, in all likelihood, make Internet users believe that the Respondent's purported services belong to the Complainant and/or originate from the Complainant. Moreover it is pertinent to note that a mere search for the words contained in the Disputed Domain Name, i.e. 'insta', on the popular search engine Google.com leads to the Complainant's websites only, which establishes beyond doubt that the two concerned words will always be associated with the Complainant alone and therefore, the term 'up' as suffix



the consumers,

iv) The Arbitral Tribunal took notice of the decision in *Fendi Sr.I. V. Ndlaye Therese, WIPO Case No. D2018-0179; Birdles, Inc. v. Registration Private, Domains By Proxy, LLC/Fu Li, WIPO Case No. D2019- 2134*, which through a catena of Orders passed by this Panel and WIPO (under the UDRP), states that domain extensions such as ".com" and ".in" are to be ignored while assessing whether a domain name is identical or confusingly similar to a trade mark, the disputed domain name is regarded confusingly similar to that mark for the purposes of UDRP standing. The Arbitral Tribunal also took note of the decisions of "*It is well established under the .IN Policy that the ccTLD ".IN" may be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant's trade mark (AB Electrolux v. GaoGou of YERECT, INDRP/630 (<zanussi.in>)* and hence holds that the Domain Name is confusingly similar to the Complainant's trade mark. *Nike Inc. v. Nike Innovative CV Zhaxia, INDRP Case No. 804; Metropolitan Trading Company v. Chandan Chandan, INDRP Case No. 811; Lego Juris A/s v. Robert Martin, INDRP Case No. 125*, wherein it was held that if a disputed domain name completely incorporates the trademark of the Complainant, then the mere addition of domain codes such as ".in" and/or ".co.in" will not distinguish the Respondent's disputed domain name.

v) Following the said dicta referred above, and upon the facts and circumstances of the present case and the evidence placed before it, The Tribunal finds that the subject domain name <instaup.net.in> is not only identical but deceptively similar to the trademark "Instagram" Or "Insta" of the Complainant. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy Paragraph 4(a) is satisfied.

b) Whether the Respondent has no rights or legitimate interests in respect of the domain name?

i) To pass muster under Paragraph 4(b) of the INDRP Policy, the Complainant has to show that the Respondent has no rights and legitimate interests in the disputed

domain name under Paragraph 6 of the Policy. The Rights or legitimate interest in a domain name (in accordance with Policy 6 (a-c)) may be found where the registrant uses the domain name registration with a bona fide offering of goods or services; if the registrant has been commonly known by the domain name registration; or if the registrant is using the domain name registration in a legitimate, non-commercial manner, without intent for commercial gain to misleadingly divert consumers or tarnish the trademark at issue.

ii) The Complainant asserts that the Respondent has no rights or legitimate interests in the Domain name; the Respondent cannot invoke any of the circumstances set out in Paragraph 6 of the Policy to demonstrate rights or legitimate interests in the Domain Name; No bona fide offering of goods or services; The Respondent cannot assert that, prior to any notice of this dispute, it was using, or had made demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services in accordance with paragraph 6(a) of the Policy; The Complainant has not authorised, licensed or otherwise allowed the Respondent to make any use of its INSTA trademark, in a domain name or otherwise; Prior panels have 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 as per Wacom Co. Ltd. v. Lichen, INDRP/634, <wacom.in>; the Respondent's website purported to offer for download an unauthorized modified APK version of the Instagram application, with additional functionality, including the ability to "download media" from the Instagram platform; Prior panels have recognized that service providers using a domain name containing a third-party trademark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name and the case in hand is typically measured against the factors detailed in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903 (the Oki Data criteria); 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 made unauthorized use of the Complainant's trademark to market its own ancillary services and thus the Respondent fails to fulfill the first and third criteria, (i) The Respondent's

website purported to offer for download a third-party unauthorized APK version of the Instagram application and As such, the Respondent cannot be said to have used the Respondent's website to offer the goods or services at issue, namely the Complainant's Instagram application; (iii) The Respondent's website did not feature any disclaimer-like wording as to the lack of relationship between the Respondent and the Complainant but it displayed repeated references to the Complainant's INSTAGRAM and INSTA trademarks alongside a modified version of the Complainant's figurative trademark and logo, plus a pink/purple colour scheme that is similar to that of the Complainant and thus the Respondent's website was likely to mislead Internet users into mistakenly believing that it is operated or authorized by the Complainant as per the decisions in Instagram, LLC v. dileep yadav, WIPO Case No. D2023-3227 (<instagramproapk.com>); The Respondent's use of the Domain Name, which comprises the Complainant's INSTA trademark, violates the Instagram Brand Assets and Guidelines^{viii} and breaches and facilitates breach of the Instagram Terms of Use by Instagram users who use it to, inter alia, download Instagram content; Similarly, the unauthorized APK versions of the Instagram application interfere with the intended operation of the Instagram service and do not respect the limits placed on product functionality, violating the Meta Developer Policies; The provision of tools permitting the unauthorized downloading of Instagram content also places the privacy and security of Instagram users at risk, as Instagram content downloaded using the Respondent's APK version of the Instagram application may be stored and later used by third parties for unauthorized purposes as per Instagram, LLC v. Whois Privacy Corp / Name Redacted, Wiseway SIA, WIPO Case No. D2021-1877 (<ingramer.com>); Furthermore, the Respondent's website featured prominently a modified version of the Complainant's figurative trademark and Instagram logo, including as a favicon, likely to promote the downloading of the third-party modified APK version of the Instagram application and Prior panels have held that such use cannot be considered 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 that the modified Instagram APK app offered for

download therein was authorized by or connected with the Complainant, which is not the case as per Instagram, LLC v. dileep Yadav; The current non-use of the Domain Name in connection with an active website does not qualify as use of the Domain Name in connection with a bona fide offering of goods or services; Instagram, LLC v. Registration Private, Domains By Proxy LLC/ sezer suat, WIPO Case No. D2022-0157 (<Instagramloginverification.com>); The Respondent cannot legitimately claim that it is commonly known by the Domain Name in accordance with paragraph 6(b) of the Policy. Neither the Respondent's name "GB Apps" nor does its organisation "Apps.Pk" bear any resemblance to the Domain Name. To the best of the Complainant's knowledge, the Respondent has not secured or sought to secure any trademark rights in "insta" or "instaup" and as the Respondent's use of the Domain Name 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 and there is no legitimate non-commercial or fair use of the Domain Name and 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, which in turn enabled Internet users to download Instagram content, does not amount to legitimate non-commercial or fair use as per Instagram, LLC v. Nerijus Abrutis, WIPO Case No. D2021-2047(<instavideosdownloader.com>): "[...] it is apparent that Respondent is not only providing a tool to allow the download of content from Instagram in a manner not sanctioned by Complainant, but it is using Complainant's logo mark to do so. This is likely to give the false impression that members of the public are accessing a genuine site, associated with Complainant, when that is not the case. The Panel concludes Respondent is benefiting from wrongly associating itself with Complainant and its products and services"; Through its use of Domain Name, which comprises the Complainant's INSTA trademark, to offer for download a modified version of the Complainant's logo and figurative trademark, the Respondent has sought to exploit the goodwill and reputation associated with the Complainant's trademarks by creating a false impression of association with the Complainant and misleading Internet users to its website which does not constitute

legitimate noncommercial or fair use of the Domain Name as per Facebook, Inc. v. 95896 Batyi Bela, Whois privacy services, provided by DomainProtect, WIPO Case No. D2026-2683 (<fbvideo.com>); Furthermore, the Respondent's website purported to offer "free [Instagram] followers", likely in an attempt to entice Internet users to download the Respondent's modified APK version of the Complainant's Instagram application and the Respondent ultimately derives commercial gain from the downloading of its APK version of the Instagram application, which may include a respondent gaining or seeking reputational and/or bargaining advantage as per WIPO Overview 3.0, section 2.5.3 and hence the Respondent lacks rights or legitimate interests in the Domain Name and the Complainant have satisfied the requirements of paragraph 4(b) of the Policy.

iii) A careful perusal of the above shows that the Respondent is not commonly known by the Disputed Domain Name <instaup.net.in> and nor does the Respondent operate a legitimate business or other organisation under the '<instaup.net.in>' Domain name. It is evident that a mere search for the words contained in the Disputed Domain Name, i.e. <instaup.net.in> popular search engine Google.com leads to the Complainant's websites only. Additionally, the said '<instaup.net.in>' trademark was registered years before the disputed domain name was registered and due to the wide publicity of the said Trademark, it cannot be accepted that the Respondent was not aware of the said Domain name linked with the complainant.

iv) When 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 and If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have proved their case. In the case in hand, the Complainant has made out a prima facie case that the Respondent has no rights and legitimate interests in respect of the disputed domain name <instaup.net.in> as Complainant has never assigned, granted, licensed, sold, transferred, or otherwise authorised Respondent to register or use the Disputed

Domain Name or the "INSTAGRAM" Trademark and the same is also not used for making legitimate non-commercial use. But the Respondent has failed to appear before this Tribunal and prove if he has any right or interest over the said Trade Mark of the Complainant to use it in the Disputed Domain name. Hence it is held that the Complainant has satisfied the second element under Paragraph 4 (b) of the Policy.

c) Whether the Respondent domain name was registered or is being used in absolute bad faith?

i) The Complainant's case is that the Domain Name was registered and is being used in bad faith; Paragraph 7 of the Policy lists three circumstances which, in particular but without limitation, may be evidence of registration and use of a domain name in bad faith for purposes of Paragraph 4(c) of the Policy; The Complainant's INSTAGRAM trademark 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; the Complainant's INSTA trademark is well-known globally as an abbreviation of its INSTAGRAM trademark; 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; Prior panels, including under the Policy, have recognized the strength and renown of the Complainant's INSTA and INSTAGRAM trademarks and have ordered transfer of disputed domain names comprising such marks to the Complainant numerous times as in *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. [...] 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" also *Instagram LLC v. Osbil Technology Ltd., INDRP/1130 (<instagrampanel.in>)*; Given the Complainant's renown and goodwill worldwide and its trademark 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 trademarks when registering the Domain Name in September 2023, by which time Instagram had amassed over 2.3 billion monthly active users; Moreover, the Respondent's use of the Domain Name as detailed above clearly targets Instagram and strongly suggests that the Respondent intended to create confusion with the Complainant and its trademarks when registering the Domain Name as seen in WIPO Overview 3.0, section 3.2.1 and Instagram, LLC v. zeeshan khan, WIPO Case No. D2023-3228 (<instagrampro.pro>); Furthermore, the Respondent was named as respondent in numerous previous domain name recuperation cases in which the relevant Panel/Arbitrator ordered the transfer of the disputed domain name(s) to the Complainant or its related company, WhatsApp LLC and These prior cases constitute a pattern of abusive domain name registrations targeting the Complainant, WhatsApp LLC and their trademarks, which is further evidence of bad faith as per WIPO Overview 3.0, section 3.2.1 and WhatsApp LLC v. GB Apps, Apps.Pk, WIPO Case No. D2024-4192, supra: "the Respondent has engaged in these types of actions before so that it can be said that there is a pattern of conduct that is deceitful and aimed at taking unfair advantage of the reputation of third-party trademarks." ; The Complainant submits that the Respondent registered the Domain Name, without any authorization from or affiliation with the Complainant, to provide services that exceed the technical limits placed on the Complainant's service, which may endanger the online security of Instagram users, in bad faith in accordance with paragraph 4(c) of the Policy; Respondent previously used the Domain Name to purport to offer for download an unauthorized modified APK version of the Complainant's Instagram application that offered additional functionality, including the ability to download Instagram content, which is unavailable on the Complainant's Instagram platform and further the Respondent's website featured multiple references to the Complainant's INSTAGRAM and INSTA trademarks, a modified version of the Complainant's Instagram logo and figurative trademarks and a similar colour scheme to that of the Complainant and Prior UDRP panels have found bad faith use in similar circumstances as seen in Instagram, LLC v.zeeshan khan, WIPO Case No. D2023-3228 (<instagrampro.pro>): "The Panel

... that the disputed domain name was registered and used in bad faith. The Respondent has clearly used the Complainant's Mark in the disputed domain name to attract Internet visitors to the Respondent's website to promote its own competitive social media product for commercial gain"; through its use of the Domain Name, the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of the Respondent's website and the services offered therein, in bad faith under paragraph 7(c) of the Policy as per WhatsApp, Inc. v. Whois Agent, et al., WIPO Case No. D2016-2299 (<gbwhatapp.com>); it is very likely that the Respondent derives commercial gain in the form of reputational advantage from the downloading of the modified APK version of the Instagram application; The Respondent purports to offer "free [Instagram] followers" to Internet users, likely in an attempt to entice them to download the modified APK version of the Complainant's Instagram application; see WIPO Overview 3.0, section 2.5.3 and Fortnum & Mason PLC v. Virgil Sofian, WIPO Case No. D2020-2880 (<fcmummasons.com>) and The lack of disclaimer on the Respondent's website to clarify the Respondent's lack of relationship with the Complainant further adds to the confusion caused by the Domain Name and constitutes additional evidence of the Respondent's intentional bad faith conduct, although even if such a disclaimer had been displayed, it would be insufficient to remove the confusion as seen in WIPO Overview 3.0, section 3.7; The Respondent's failure to respond to the Complainant's lawyers' Registrar registrant contact notice is further evidence of the Respondent's bad faith as per WhatsApp Inc. v Warrick Mulder, INDRP/1233 (<whatsap.in>); the fact that the Domain Name no longer resolves to an active web page cannot cure the Respondent's bad faith as per Facebook Technologies, LLC v. Vickie Tubbs, Chen Jiajin (陈佳进), WIPO Case No. D2020-1990 and hence the Domain Name was registered and is being used in bad faith in accordance with Paragraph 4(c) of the Policy.

ii) From the evidence placed before this Tribunal it is evident that

Firstly, the Respondent used the 'INSTAGRAM' and 'INSTA' trademark without consent from the Complainant.



M. SHRIJHA B.S.C., M.L.
STS Law Associates
2/669A, River View Enclave, First Main Road,
Manapakkam, Chennai - 600 125.

Secondly, Respondent was aware of Complainant's rights in its well-known trademark as a consequence of Complainant's substantial use of the trademark which predates before the Respondent acquired the domain name.

Thirdly, the domain name is only registered with no apparent legitimate purpose and holding on to the same with absolute no justification except to make wrongful profit therefrom. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith registration. Fourthly, The Respondent impersonated the Complainant's Trademark "INSTAGRAM" which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

iii) In *HSBC Holdings PLC v. Hooman Esmail Zadeh*, INDRP Case no 032, dated March 20, 2007; *Visteon Corporation v. Prahlad S.*, INDRP Case No. 1535, dated May 6, 2022; *Solidium Oy v. Privacy Service Provided by Withheld for Privacy ehf EstormH* *Estormhosting. Estorm Programming*, WIPO Case No. D2022-3139; *LPL Financial LLC v. Privacy Service Provided by Withheld for Privacy ehf I Steffen Hain*, WIPO Case No. D2022-0542 it was held that the mere registration of an identical domain name by an unaffiliated entity can by it creates a presumption of bad faith.

On careful consideration of the above findings, the Arbitral Tribunal accepts the contentions of the Complainant and holds that the Respondent domain **<instaup.net.in>** has been registered with an opportunistic intention and is being used in bad faith and Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

VIII. DISPOSITIONS

The Arbitral Tribunal holds that the three elements set out in paragraph 4 of the INDRP Policy that

i) The Respondent domain name **<instaup.net.in>** is identical and confusingly

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to the name; trademark "INSTAGRAM" by the Complainant.

ii) The Respondent has no rights or legitimate interests in the Complainant's trademark 'INSTAGRAM'.

iii) The Disputed Domain name has been registered in bad faith. Have been established by the Complainant and hence It is entitled for the relief sought for.

For the foregoing reasons stated above, The Arbitral Tribunal directs that: The Disputed Domain Name <instaup.net.in> is transferred to the Complainant as prayed for.

In the Result, Complaint Allowed as prayed for. No Costs.



Place: Chennai

(M.SHRIJHA)

Dated: 7th January 2026

Sole Arbitrator.



M.SHRIJHA B.S.C., M.L.
STS Law Associates
2/669A, River View Enclave, First Main Road,
Manapakkam, Chennai - 600 125. |