

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0018

Also in PDF C2025-0018

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 vide their authorized representatives, David Taylor and Jane Seager, Hogan Lovells (Paris) LLP, with their address at 17 avenue Matignon, 75008 Paris, France.

2. The Domain Name and Respondent

The domain name upon which the Complaint is based is <saveinsta.org.pk>, hereinafter referred to as the Disputed Domain Name [“the DDN”].

PKNIC has informed DNDRC that the DDN is registered by GB Plus, with the contact’s name GB Plus, with their address at Lahore, Lahore, Postal Code 54000, Pakistan, 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 07 March 2025. An administrative review of the Complaint was conducted, following which the Complainant was notified of the compliance review’s completion and the subsequent procedural requirements.

Upon the Complainant’s fulfillment of the procedural requirements on 14 April 2025, DNDRC formally requested the Respondent’s registration details from PKNIC on 15 April 2025. PKNIC provided the requested details on 17 April 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 30 April 2025, enclosing a copy of the Complaint and a Response Form, informing the Respondent that failure to submit a Response within 7 days would result in the dispute proceeding ex parte. DNDRC issued two reminders to the Respondent to file the Response Form on 05 May 2025 and 08 May 2025.

The Respondent did not seek an extension or submit a Response Form. The Complaint along with all relevant material was referred to the appointed arbitrator for review and decision on 08 July 2025. The arbitrator completed the review and issued a decision on 29 July 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 29 July 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules), DNDRC appointed Mr. Muhammad Amaan Latif 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

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 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. 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 mark

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

The Domain Name and the associated website

7. The Domain Name currently redirects to <https://storysaver.pk>, a website titled "StorySaver.PK" that purports to offer a tool to download content from the Complainant's Instagram platform, including videos, photos, Reels and Stories, without being signed into an Instagram account (**the Respondent's website**). The Respondent's website states:

"Story Saver is for those who want to download Instagram Stories, Highlights videos, and all the content of Instagram. You can download the videos you want to save on your mobile with just one simple easy click."

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

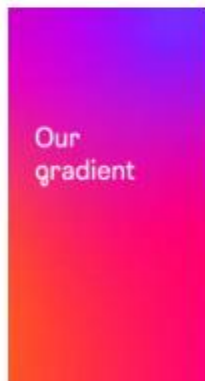
Complainant's figurative trade mark and logo



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 on how to use the tool on the Respondent's website to download content from the Complainant's Instagram platform.*
10. *The "Privacy Policy" section of the Respondent's website states that it "accept[s] advertisements", as follows:*

"We accept advertisements (Ads) on Story Saver App to maintain and support our own research and development on Story Saver App for non-commercial purposes. Ads appearing on Story Saver may be delivered to Users by advertising partners who may set cookies."

11. *The Respondent's website does not feature any disclaimer-like wording as to the lack of relationship with the Complainant.*

*Screen captures of the website to which the Domain Name redirects and the proof of redirection are provided as **Annex 8**.*

12. *As detailed below, the Respondent's registration and use of the Domain Name neither complies with the Meta Developer Policies nor with the Instagram Terms of Use.*
13. *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:

1. *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)*
2. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
3. *Legitimate interest in Domain Name (a UDRP criteria)*
4. *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 DDN infringes upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DDN is 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 had made the following submissions:

This Complaint is based on the following trade mark registrations:

- 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;
- Pakistani Trade Mark No. 398679, INSTAGRAM, registered on 1 May 2017;
- United States Trademark Registration No. 5,061,916, INSTA, registered on 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.

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

The Respondent had not made any submissions.

The Panel notes that the criterion of illegality under the Uniform Domain Name Dispute Resolution Policy (UDRP) requires a clear demonstration of trademark rights infringement by the DDN.

The Complainant claims that the DDN violates its registered trademark “INSTAGRAM” and, as such, is unlawful and must be transferred. To support this, the Complainant has submitted Annex-2, which demonstrates evidence of their registered trademarks, including "INSTAGRAM" and "INSTA," across multiple jurisdictions, including registrations in Pakistan, India, European Union

and United States, and has referred to *L'Oréal v. Irfan Shaukat*, Case No. C2022-0009, and *Standard Chartered PLC v. Hosting Campus Domain*, Case No. C2007-0001, in which domain names identical to trademarks were deemed infringing.

The Panel acknowledges the Complainant's rights in the trademark "INSTAGRAM" and also reviews the cited cases. It is noted that the cited decisions pertain to domain names which consisted solely of the trademarks (such as "cerave.pk" and "standardchartered.pk"). Contrastingly, the current case pertains to a DDN which includes the trademark "INSTAGRAM" in combination with the word "save".

Therefore, it is worth noting that the Complainant has not discussed the impact of the word "save" being added, leaving uncertainty as to whether the domain is a direct infringement.

Although the Complainant raises issues regarding unauthorized use and questions the legitimacy of the registration, these contentions are more relevant to other criteria under the UDRP. Claims of bad faith or lack of authorization may indicate infringement, but alone they do not make a domain name illegal under PKNIC's Policy.

Based on these considerations and the lack of sufficient submissions proving a clear breach of PKNIC, Internet Domain Registration Policy version 4.4, the Panel determines that the DDN's registration does not violate the Policy. As a result, the Panel will proceed to evaluate the claim under the three individual UDRP criteria.

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

The Complainant has made the following submissions:

14. *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.*
15. *The Domain Name comprises the Complainant's INSTA trade mark, preceded by the term "save", under the domain extension ". org.pk".*
16. *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..

17. *The Complainant submits that the addition of the term "save" 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.*

See also Instagram, LLC v. Malika BZDRR, WIPO Case No. D2024-3568 (<save-insta.com>):

"The Panel finds the addition of the term 'save' and the letter 'a' does not prevent a finding of confusing similarity between the disputed domain name and the mark [...]."

See also Instagram, LLC v. Abu Arab, OS, WIPO Case No. D2023-0160 (<save-insta.com>)..

18. *The domain extension ". org.pk" may be disregarded for purposes of assessment under the first element; see WIPO Overview 3.0, section 1.11.1.*
19. *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 has contended that the DDN is confusingly similar to its registered trademark "INSTA" and has provided corresponding proof demonstrating its ownership with respect to the trademark rights in "INSTA."

The Panel notes that the test for assessing identity or confusing similarity involves a side-by-side comparison of the DDN with the textual components of the trademark to assess whether the mark is recognizable within the DDN, according to Paragraph 1.7 of WIPO Overview 3.0. It also states that where the entirety of a trademark is incorporated into a DDN, it will be considered confusingly similar to that trademark.

Additionally, the Panel notes the Complainant's contentions and finds that the extension ".org.pk" cannot prevent the finding of confusing similarity between the DDN and the Complainant's mark, as it is necessary for domain registrations (see WIPO Overview 3.0, Section 1.11.1). The addition of the term "save" does not negate the confusing similarity, as the Complainant's "INSTA" trademark remains clearly recognizable within the DDN (see WIPO Overview 3.0, Section 1.8).

Since the entirety of the Complainant's trademark "INSTA" is incorporated within the DDN, preceded by the term "save" and followed by the ".org.pk" extension, the DDN would normally be considered confusingly similar to the Complainant's trademark.

Accordingly, the Panel concludes that the DDN is confusingly similar to a trademark in which the Complainant holds 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). ”

Paragraph 4(a)(ii) states that:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Complainant has made the following submissions:

20. *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

21. *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.*
22. *As detailed above, the Respondent's website purports to offer a tool to download Instagram content, including videos, photos, Reels and Stories (see **Annex 8**).*
23. *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;*
 - (iv) the respondent must not try to "corner the market" in domain names that reflect the trade mark.*

See also WIPO Overview 3.0, section 2.8.

24. *As is 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 making unauthorized use of the Complainant's INSTA and INSTAGRAM trademarks to promote a tool to download content from the Complainant's Instagram platform, including videos, photos, Reels and Stories. 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 Instagram downloader tool, in breach of the Meta Developer Policies and which facilitates breach of the Instagram Terms of Use by Instagram users.*
- (ii) *The Respondent's website fails to prominently disclose its lack of relationship with the Complainant. The Respondent's website does not feature any disclaimer-like wording as to a lack of relationship with the Complainant. Rather, given the repeated references on the Respondent's website to the Complainant's INSTAGRAM trade mark and the use of a modified version of the Complainant's logo and figurative trade mark, the Respondent's website is likely to mislead Internet users into erroneously believing that it is operated or authorized by the Complainant, which is not the case. See Instagram, LLC v. dileep yadav, WIPO Case No. D2023-3227 (<instagramproapk.com>).*
25. *The Further, the Respondent's use of the Domain Name violates the Meta Developer Policies and facilitates breach of the Instagram Terms of Use. The Meta Developer Policies, which apply to the Complainant and its Instagram platform, provide:*

"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. [...]"

*A copy of the Meta Developer Policies is provided as **Annex 9**.*

26. *The Instagram Terms of Use provide that it is prohibited to:*

- interfere with or impair the intended operation of the Instagram service;*
- or attempt to create accounts or access or collect information in unauthorized ways, including [...] in an automated way without Instagram's express permission.*

*A copy of the Instagram Terms of Use is provided as **Annex 10**.*

27. *Not only do tools for the unauthorized downloading of content from Instagram violate the Meta Developer Policies, which apply to Instagram, and facilitate breach of the Instagram Terms of Use, but they also may place the security and privacy of Instagram users at risk, as content scraped from the Instagram platform may be stored and later used for unauthorized purposes by third parties. Prior UDRP Panels have found that such use of a Domain Name does not constitute a legitimate or fair use.*

See in this regard Meta Platforms, Inc. v. Muhammad Shahbaz, WIPO Case No. D2024-0288 (<facebookvideodownloader.live>):

"The tools provided on the Respondent's website, by circumventing the requirement that Facebook and Instagram users create an account to access these platforms, as well as 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."

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

28. *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

29. *The registrant information for the Domain Name is redacted (see Annex 1). Other than the email address storysaver.pk@gmail.com, the Respondent's website does not feature any contact information.*
30. *There is no evidence of the Respondent having acquired or applied for any trade mark registrations for "insta", "saveinsta" or any variation thereof, as reflected in the Domain Name.*
31. *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 gives rise to any reputation in the Domain Name itself, independent of the Complainant's trade mark rights.*

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

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

33. *Nor can the Respondent assert that it has made or is currently making any legitimate noncommercial or fair use of the Domain Name pursuant to paragraph 4(c)(iii) of the Policy.*
34. *The provision of a tool that purports to enable Internet users to download content from the Complainant's Instagram platform does not amount to legitimate noncommercial or fair use in the form of a fan site or otherwise.*
35. *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 INSTAGRAM trade mark 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/purple 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 a legitimate noncommercial or fair use of the Domain Name.*

See in this regard Instagram, LLC v. rokibul islam, WIPO Case No. D2024-3293 (<captureinsta.com>):

"[...] the disputed domain name at some point resolved to a website at 'www.captureinsta.com', which was titled 'CaptureInsta' and purported to offer a tool to view and download content from Complainant's Instagram platform, including profile pictures, photos, videos, reels and IGTV, thereby going beyond the technical limits placed on the platform by Complainant, thus, violating the Meta Developer Policies, and also prominently displaying a 'CaptureInsta' logo which used a font very similar to the custom font used by Complainant for its INSTAGRAM figurative trademark and logo, without any authorization to do so. Such making use of the disputed domain name neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of the Policy [...]."

36. *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 lacks any legitimate interest in the DDN, noting that the Respondent neither holds a registered trademark for “INSTA” nor has been authorized to use the Complainant’s mark in connection with the DDN.

As iterated by the Complainant, it is incumbent upon the Complainant to first establish a prima facie case that the Respondent lacks rights or legitimate interests in the DDN. Once this is done, the burden shifts to the Respondent to produce evidence demonstrating such rights or interests. Where the Respondent fails to meet this burden, the Complainant is deemed to have satisfied the second element of the test (see WIPO Overview 3.0) section 2.1.

The Panel notes that there is no evidence of the Respondent having acquired or applied for any trademark registrations for “insta,” “saveinsta,” or any variation thereof. The Respondent’s use of the DDN to offer an unauthorized tool for downloading Instagram content, without a disclosed relationship with the Complainant and in violation of the Meta Developer Policies and Instagram Terms of Use, does not constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the UDRP (see *Instagram, LLC v. dileep yadav*, WIPO Case No. D2023-3227).

In the present case, the Respondent did not file a Response Form, thereby failing to rebut the Complainant’s claims. As a result, the Panel finds that the Complainant has met the burden of establishing that the Respondent lacks any legitimate interest in the DDN and the Respondent, by not submitting any response, has failed to satisfy the burden shifted upon them (see *MUITAS LTD v. AMF*, AMF Case No. D2024-1110).

The Panel therefore finds that the Respondent does not have any legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

37. *The Complainant submits that the Domain Name was registered and is being used in bad faith for reasons going beyond the non-exhaustive list of circumstances set out in paragraph 4(b) of the Policy.*

Registration in bad faith

38. *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. 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**.*

39. *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 INSTAGRAM trade mark and features a modified version of the Complainant's Instagram logo and figurative trade mark (see **Annex 8** and **Annex 2**). See Instagram, LLC v. Joney Singhal, K4 Media & Technologies LLP, WIPO Case No. D2024-2692 (<lgtvdownloader.com>).*
40. *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 provide a tool for the unauthorized anonymous downloading of content from Instagram, which violates the Meta Developer Policies and facilitates breach of the Instagram Terms of Use as detailed above (see **Annex 9** and **Annex 10**).*
41. *For the reasons detailed above, the Complainant submits that the Respondent, having no authorization to use the Complainant's trade mark, registered the Domain Name with knowledge of the Complainant's prior rights with a view to engaging in activity that facilitates and promotes illegitimate use of the Complainant's platform, in bad faith.*

Use in bad faith

42. *As detailed above, the Respondent is using the Domain Name to purport to provide a tool for the anonymous downloading of content from Instagram. Such use of the Domain Name circumvents the inability of users to download other users' Instagram content, which violates the Meta Developer Policies and facilitates breach of the Instagram Terms of Use.*
43. *Prior UDRP panels have held that the unauthorized automated downloading of content from Instagram may place the privacy and security of users of such platforms at risk and amounts to bad faith. See in this regard Instagram, LLC v. Contact Privacy Inc. Customer 1247361676 / GUELCE JEAN-CLAUDY, WIPO Case No. D2021-1675 (<storesgrams.com>).*
44. *Moreover, in light of the nature of the Domain Name as detailed above, the prominent use of the Complainant's INSTAGRAM trade mark 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. Domain Administrator, Registrant of aloinstagram.com et al. WIPO Case No. D2021-2127 (<aloinstagram.com>).*
45. *The lack of clearly visible disclaimer on the homepage of the Respondent's website to clarify the Respondent's relationship (or lack thereof) with the Complainant further adds to the confusion caused by the Domain Name and further evidences the Respondent's bad faith conduct; see WIPO Overview 3.0, section 3.7. However, the Complainant submits that even if a clearly visible disclaimer were featured on the Respondent's website, it would not be sufficient to cure the Respondent's illegitimate use of the Domain Name; see Instagram, LLC v. Protection of Private Person et al., WIPO Case No. D2022-2832 (<insta-stories.online> et al.).*
46. *Finally, prior UDRP panels have found that the use of a domain name to provide services to download Instagram content, in violation of the Meta Developer Policies and which facilitates breach of the Instagram Terms of Use, constitutes further evidence of bad faith; see Instagram, LLC v. Aangothu Renuka, Jawaharlal N, Instadownloader, WIPO Case No. D2024-0144 (<instadownload.app> 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.

The Complainant submits that the Respondent registered and is using the DDN in bad faith, citing the Respondent's lack of authorization and the nature of the DDN's use as evidence of bad faith intent beyond the non-exhaustive circumstances listed in paragraph 4(b) of the UDRP.

The Panel, referencing the WIPO Overview 3.0 Section 3.2.2, concurs with the Complainant that the Respondent must have been aware of the Complainant's "INSTA" and "INSTAGRAM" trademarks at the time of registration, given their inherent distinctiveness and global recognition since 2010. A basic online search for "insta" would have readily revealed the Complainant's rights in the marks, and the Respondent's failure to conduct such due diligence supports a finding of registration in bad faith (see *WIPO Case No. D2002-0806, Carolina Herrera, Ltd. v. Alberto Rincon Garcia*).

Additionally, the Respondent's website explicitly references the Complainant's "INSTAGRAM" trademark, uses a modified version of the Complainant's logo, and employs a similar gradient color scheme, further evidencing intent to target the Complainant's marks (see *Instagram, LLC v. Joney Singhal, K4 Media & Technologies LLP, WIPO Case No. D2024-2692*).

Furthermore, the Panel finds that the Respondent's use of the DDN to offer an unauthorized tool for downloading Instagram content, in violation of the Meta Developer Policies and facilitating breaches of the Instagram Terms of Use, constitutes bad faith use. Such activities may compromise the privacy and security of Instagram users and are likely to mislead consumers into believing the Respondent's website is associated with the Complainant, particularly due to the lack of a clear disclaimer on the Respondent's website (see *Instagram, LLC v. Contact Privacy Inc. Customer 1247361676 / GUELCE JEAN-CLAUDY, WIPO Case No. D2021-1675; WIPO Overview 3.0, section 3.7*).

The Complainant argues and the Panel agrees that a disclaimer would not rectify the illegitimate use of the DDN, citing *Instagram, LLC v. Protection of Private Person et al., WIPO Case No. D2022-2832*. The Panel therefore, finds that a disclaimer does not cure the unauthorized use.

The Panel further considers *Instagram, LLC v. Aangothu Renuka, Jawaharlal N, Instadownloader, WIPO Case No. D2024-0144*, as referenced by the Complainant, and determines that the Respondent's unauthorized use of the DDN to provide services that violate the Complainant's

policies meets the criteria for bad faith under paragraph 4(a)(iii) of the UDRP. The Respondent's actions appear intended to derive commercial benefit from confusion with the Complainant's marks (see WIPO Overview 3.0, section 3.1.1).

Accordingly, the Panel concludes that the Respondent both registered and is using the DDN in bad faith.

7. Decision

Upon reviewing the contentions and information provided by the Complainant above, the Panel acknowledges that the "INSTA" and "INSTAGRAM" marks are registered and owned by the Complainant and the Respondent has no trademark rights over them. Therefore, the continuous use of the DDN would adversely impact the exercise of the Complainant's trademark rights, despite being in a separate jurisdiction, and could also jeopardize the reputation of the Complainant by amounting to confusion regarding the ownership of the DDN.

Taking all the discussion above 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 <saveinsta.org.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.

Arbitrator: Muhammad Amaan Latif

Sole Panelist

Date: 29th July 2025