



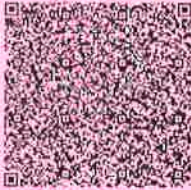
सत्यमेव जयते

INDIA NON JUDICIAL

Government of Tamil Nadu

e-Stamp

Certificate No. : IN-TN59380553381968Y
Certificate Issued Date : 15-Jun-2026 12:09 PM
Account Reference : SHCIL (FI)/ tnshcil01/ Saidapet-SRO/ TN-CS
Unique Doc. Reference : SUBIN-TNTNSHCIL0152408780186364Y
Purchased by : N V SAISUNDER
Description of Document : Article 12 Award
Property Description : NA
Consideration Price (Rs.) : 0
(Zero)
First Party : N V SAISUNDER
Second Party : N V SAISUNDER
Stamp Duty Paid By : N V SAISUNDER
Stamp Duty Amount(Rs.) : 200
(Two Hundred only)



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NV SAISUNDER
SOLE ARBITRATOR

.IN REGISTRY- INTERNET EXCHANGE OF INDIA

INDRP CASE NUMBER: 2142

DISPUTED DOMAIN NAME: <instta.com.in>

Statutory Notice

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IN THE MATTER OF ARBITRATION BETWEEN:

Instagram LLC

1 Meta Way,
Menlo Park, California 94025
United States of America

..... Complainant

Versus

Santosh Guest y

Nepalgunj, Ranjha Airport
Banka, Lumbini Province 21900
Nepal

..... Respondent

ARBITRATION AWARD

DATED: 10/07/2026

1. PARTIES:

The Complainant in this proceeding is Instagram LLC, an American Company with its principal of business at 1 Meta Way, Menlo Park, California, 94025, United States of America. The Complainant is represented by David Taylor / Jane Seager of Hogan Lovells (Paris) LLP, 17 avenue Matignon 75008 Paris France.

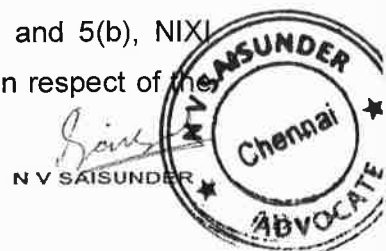
The Respondent in this proceeding is Santosh Guest y, nepalgunj, Ranjha airport, Banka, Lumbini province 21900, Nepal as per the WHOIS details disclosed by NIXI.

2. DOMAIN NAME AND REGISTRAR:

The disputed domain name <instta.com.in> is registered with Dynadot LLC.

3. PROCEDURAL HISTORY:

The Statement of Acceptance and Declaration of Impartiality was submitted by me on 6th June 2026 as required by NIXI. Further, in accordance with Rules 3 and 5(b), NIXI appointed me as the sole arbitrator for deciding on the complaint filed in respect of the



disputed domain name on 11th June 2026 to arbitrate the dispute between the Parties in accordance with the Arbitration and Conciliation Act, 1996 and accordingly notified the Parties of the same on the same date. Thereafter, the Complainant was directed on 15th June 2026 to serve the hard and soft copy of the complaint on the Respondent and furnish proof of such despatch as required under the INDRP. The Complainant complied with the directions and sent the proof of service of both hard copy and soft copy to the Respondent on 15th June 2026. In accordance with Rule 5(c), a notice to the Respondent was issued on 16th June 2026 by the Arbitrator whereby the Respondent was called upon to submit his response, if any, within 10 (ten) days from the date of issuance of the notice. The Arbitrator did not receive any formal response from the Respondent till date. Therefore, the complaint is decided based on the submissions, materials and evidence placed before the Arbitrator.

4. **FACTUAL BACKGROUND:**

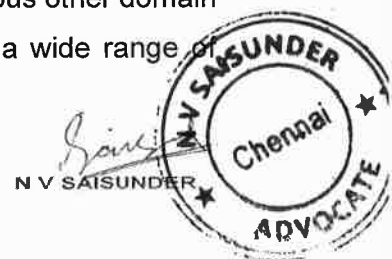
The Complainant, commonly abbreviated as "Insta", is a leading online photo and video sharing social-networking application launched in 2010. Complainant was acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012, and presently having 2.4 billion monthly active accounts worldwide. The Complainant has shown its popularity across the globe.

The Complainant has secured ownership of numerous trade mark registrations for the mark "INSTAGRAM" and "INSTA" in various jurisdictions including:

- a. INSTAGRAM- International Trademark Registration No. 1129314, registered on 15 March 2012.
- b. INSTAGRAM- Indian Trade Mark No. 3042394, registered on 27 August 2015.
- c. INSTA- Indian Trade Mark No. 3101498, registered on 5 December 2017.

The Complainant has also secured ownership of the logo mark  in the European Union and United States of America. The aforementioned rights in the trademarks, both word and logo have been supported through evidences submitted by the Complainant.

The Complainant is also the owner of the domain name <instagram.com>, which provides access to the Complainant's Instagram service, amongst various numerous other 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 Domain names.

The disputed domain name <instta.com.in> was registered on 16th December 2025. The Complainant's trademark registrations predate the registration of the disputed domain name.

The disputed domain name does not resolve to an active webpage as on date. At the time of filing of the Complaint, the disputed domain name resolved to a website, titled "Insta Pro" that purported to offer for download several modified APK versions of the Instagram App such as "InstaPro2", "InstaPro" and "Insta" and offer functionality that goes beyond that offered in the official Instagram application including the ability to download Instagram content. The website also made prominent reference to the Complainant's "INSTAGRAM" and "INSTA" trademarks, and featured identical and modified versions of 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.

5. PARTIES CONTENTIONS:

A. Complainant:

The Complainant has contended that all three elements of the INDRP are applicable to the present case.

The Complainant submits that it has established rights in the trade mark "INSTAGRAM" and "INSTA" for purposes of paragraph 4(a) of the .IN Policy and the disputed domain name is confusingly similar to the Complainant's registered trademark. The Complainant submits that the addition of the letter "t" and thereby arrive at a domain string "instta" does not prevent a finding of confusing similarity with the Complainant's "INSTA" trade mark and in this regard has relied on the WIPO UDRP panel's decision on *Facebook, Inc. and Instagram, LLC v. Domain Administrator, Fundacion Privacy Services Ltd.*, WIPO Case No. D2019-2518 (<instgagram.com>et al.) and INDRP panel's decision on *Instagram, LLC v. GB Apps*, INDRP Case No. INDRP/2054 (<instaup.net.in>). The Complainant therefore submits that the disputed domain name is confusingly similar to the Complainant's trade mark in accordance with paragraph 4(a) of the .IN Policy.



The Complainant claims that the Respondent cannot assert that it was using, or had made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services in accordance with paragraph 6(a) of the .IN Policy, but rather, the Respondent is making unauthorized use of the Complainant's trademark to market its own ancillary services. Further, 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. In light of the nature of the disputed domain name, comprising the Complainant's "INSTA" trademark, with a mere addition of the letter "t" as detailed above, the Complainant submits that the disputed domain name carries with it an implied risk of affiliation with the Complainant which is not fair use. Also, the Respondent is not commonly known by the disputed domain name or the term "Instagram" or "Insta". The Complainant therefore asserts that the Respondent has no rights or legitimate interests in the Domain Name, in accordance with paragraph 4(b) of the .IN Policy

The Complainant further claims that it has acquired renown and goodwill worldwide and its trade mark rights established long before the registration of the disputed domain name, and that it would be inconceivable for the Respondent to argue that it did not have knowledge of the Complainant's "INSTA" trade mark when it registered the domain name in 2025. The Complainant submits that through the Respondent's use of the disputed domain name, it has intentionally attempted to attract Internet users to online locations by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website, in accordance with paragraph 7(c) of the .IN Policy and relies on *WhatsApp, Inc. v Whois Agent, et al.*, WIPO Case No. D2016-2299 (<gbwhatapp.com>). The Complainant also points at the unauthorised use of the complainant's application being offered in APK version for download, which itself indicates bad faith. In view of the above, the Complainant asserts that the Domain Name was registered and is being used in bad faith in accordance with Paragraph 4(c) of the .IN Policy.

B. Respondent:

The Respondent did not file any response to the submissions of the Complainant.



6. DISCUSSION AND FINDINGS:

Under the INDRP, the following three elements are required to be established by the complainant in order to obtain the remedy of transfer of the disputed domain name to the complainant:

- (i) The disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and,
- (ii) The Respondent lacks rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered or is being used in bad faith.

A. Identical or confusingly similar:

It is well accepted principle that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainants trademark and the disputed domain name. The Complainant has submitted evidence of its trademark registrations that establish that the Complainant has statutory rights in the mark "insta" for the purpose of policy. The well-known trademark of the Complainant has been reproduced within the disputed domain name along with the letter "t". This addition and the ccTLD extension ".com.in" do not diminish the confusing similarity with the Complainant's registered trademark.

The Disputed Domain Name is accordingly found to be identical or confusingly similar to the Complainant's mark. The Complainant has successfully fulfilled the first element under paragraph 4(a) of the Policy, that the Disputed Domain Name is identical or confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate interest

Paragraph 6 of the Policy provides a list of circumstances in which the registrant of a domain name may demonstrate rights or legitimate interests in a disputed domain name. While the overall burden of proof in the proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the



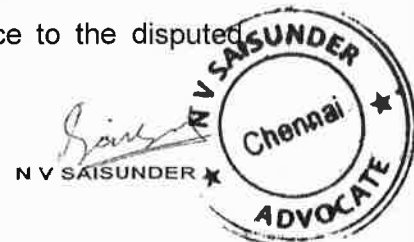
respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Panel finds the following from the records before it that:

- a. The Respondent does not appear to engage in any legitimate non-commercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. In fact the Panel has reasonable grounds to believe that the Respondent has made a commercial use of the disputed domain name, with the intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue.
- b. the Respondent has not been commonly known by the disputed domain name.
- c. the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.
- d. the panel also notes that the usage of the additional letter "t" in the registered trademark of the Complainant constitutes obvious misspelling and amounts to typosquatting in an attempt to take advantage of Internet users' typographical errors and thereby lacking rights and legitimate interests in the disputed domain name.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the domain name.

The evidence in the case shows that the disputed domain name has been used for a website that featured a modified version of the Complainant's figurative trademark, contained numerous references to the Complainant's Instagram service, and offered for download third-party unauthorized APK versions of the Instagram App such as "InstaPro2", "InstaPro" and "Insta". Further, the panel also noted that the name of the Respondent "Santosh Guest y" does not bear any resemblance to the disputed domain name whatsoever.



In the light of the facts and circumstances discussed, it is accordingly found that the Complainant has made out a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name. The second element under paragraph 4(b) of the Policy has been met by the Complainant.

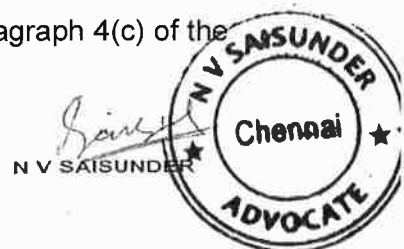
C. Registered and/or used in bad faith:

The Panel notes that, for the purposes of paragraph 4(c) of the Policy, paragraph 7 of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Complainant's trademark was registered well before the registration of the disputed domain name, and it is inconceivable that the Respondent was not aware of the well-known trademark. Based on the evidence put forward by the Complainant, the Panel is of the opinion that the Respondent ought to have been aware of the Complainant's trademark registrations and rights to the "INSTA" mark when it registered the disputed domain name. Accordingly, in Panel's view the bad faith is evidently established and hence its very use by the Respondent with no connection to the trademarks suggests opportunistic bad faith.

The content of the website at the disputed domain name at the time of filing of the Complaint shows that the Respondent was well aware of the famous "INSTAGRAM" and "INSTA" trademark when it registered the disputed domain name. As discussed in the section on rights and legitimate interests, the evidence shows that the Respondent's intent in registering and using the disputed domain name was to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the "INSTA" trademark as to the source or endorsement of the software product featured on the Respondent's website. It is accepted by the Panel that the APK version of the Instagram application may disrupt the Complainant's business by driving users to third-party applications and such activities amount to use of a domain name in bad faith.

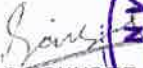
For reasons stated above, it is established that the disputed domain name was registered and used in bad faith and the second element under paragraph 4(c) of the Policy has been met by the Complainant.



7. DECISION:

In view of the above findings, it is ordered that:

- a. The disputed domain name <instta.com.in> be transferred to the Complainant.
- b. The Respondent pay the Complainant a sum of INR 1,50,000/- (Indian Rupees One Lakh and Fifty Thousand only) towards costs of these proceedings.

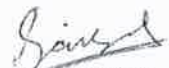

N V SAISUNDER



(SAISUNDER NV)

Arbitrator

Date: 10th July 2026


N V SAISUNDER