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BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2113

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

FINAL AWARD

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ABHINAV S RAGHUVANSHI ABHINAV S RAGHUVANSHI ABHINAV S RAGHUVANSHI

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

Instagram, LLC
1601 Willow Road
Menlo Park, California 94025
United States of America .... Complainant

Vs

Shubham Mahesh
Akbar Road
Jaipur Rajasthan 302015
India .... Respondent

in respect of Disputed Domain Name(s):

[instadownloader.in]

INDRP Case No; 2113

FINAL AWARD

Date: 12.11.2026

Venue: New Delhi, India

ABHINAV S. RAGHUVANSHI

SOLE ARBITRATOR

Table of Contents

S.NO	PARTICULARS	PAGE NO.
A.	The Parties and their Representative	1
B.	The Domain Name and Registrar	1
C.	Procedural History	2
D.	Complainant Contention	2 - 5
E.	Respondent Contention	5 - 6
F.	Discussion and Findings	6 - 11
G.	Decision	11

A. THE PARTIES AND THEIR REPRESENTATIVE:

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

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

2. **Respondent**
   Shubham Mahesh
   Akbar Road
   Jaipur Rajasthan 302015
   India
   Tel: +91.8890191336
   Email: theshubhammahesh@gmail.com
   support@instadownloader.in

B. THE DOMAIN NAMES AND REGISTRAR:

The disputed domain name <instadownloader.in> is registered through the Registrar **GoDaddy.com, LLC** is accredited with the .IN Registry and is listed on the website of the .IN Registry having its Contact Address:
2155 E GoDaddy Way
Tempe AZ 85284
United States
Tel: +1 4805058800
Email: legal@godaddy.com

C. PROCEDURAL HISTORY:

1. Sh. Abhinav S. Raghuvanshi was appointed as the sole Arbitrator on 14.04.2026 by the NIXI to act as an Arbitrator in the INDRP case no. 2113 regarding the complaint dated 13.04.2026 filed under the INDRP by the Complainant.

2. That the Arbitral Tribunal upon receipt of Complaint, issued the Notice of Arbitration on 21.04.2026 and further directed the Complainant to effect the service on the Respondent and provide proof of Service to that effect. The Respondent was given an opportunity to file a response in writing in opposition to the complaint, if any, along with evidence in support of its stand or contention on or within 15(fifteen) days.

3. That the service of the Notice of Arbitration dated 21.04.2026 was affected by the counsel for the complainant, and the same was intimated to the Tribunal on 23.04.2026 by Jane Seager, representative of the complainant. The complaint (with annexures) was sent to the email address of the Respondent shown in the WHOIS details. Consequently, the service of the Notice of Arbitration on the Respondent was done in accordance with Rule (2) of the INDRP Rules.

4. On 27.04.2026., the Respondent did response to the Notice of Arbitration dated 21.04.2026. and filed their response.

5. That thereafter, the Complainant filed Written Arguments and Evidence Affidavit along with Written Submissions.

6. There was a delay in passing the Final Award beyond the prescribed period due to a combination of procedural circumstances and unavoidable factors including the Arbitrator's ill health, including high blood sugar episodes and other health-related issues, which contributed to the extension of the period required for passing the Final Award.

D. COMPLAINANT CONTENTION:

It is the case of Complainant that:

1. The Complainant is a world-renowned leading online photo and video sharing social-networking application. Since its launch in 2010, Instagram rapidly acquired and developed considerable goodwill and renown worldwide. Acquired by Facebook, Inc. (now Meta Platforms, Inc.) in 2012. As on date Instagram is the world's fastest growing photo and video sharing and editing software and online social network, with more than 2.4 billion monthly active accounts worldwide. A copy of screen capture of the homepage of the Complainant's website https://instagram.com has been attached by the Complainant as **Annexure 4** along with the complaint.

2. The Complainant submits that Instagram has consistently ranked amongst the top "apps" for mobile devices, including for iOS and Android operating systems. Instagram is currently the most downloaded application worldwide, according to *The Financial Times.* A copy of the supporting document has been attached by the Complainant as **Annexure 5** along with the complaint.

3. The Complainant further contends that Instagram's exponential growth and popularity, including in India, has been widely reported by specialized technology publications including *Tech Crunch* as well as major international publications such as *The New York Times* (United States) and Datareportal. A copy of supporting document has been attached by the Complainant as **Annexure 6** along with the complaint.

4. It is the case of the Complainant's business that given the exclusive online nature of the business, the Complainant's domain names consisting of its trade mark are not only the heart of its business, but also a primary way for its millions of users to avail themselves of its services. The Complainant is the registrant of numerous domain names consisting of or including its INSTAGRAM trade mark under a wide range of generic Top-Level Domains (gTLDs) and numerous country code Top-Level Domains (ccTLDs). A copy of the WhoIs records for a selection of the Complainant's domain names has been attached by the Complainant as **Annexure 7** along with the complaint.

5. The Complainant has further made substantial investments to develop a strong presence online by being active on various social-media platforms, including Facebook and X (formerly Twitter), as follows:

   https://instagram.com/instagram
   https://facebook.com/instagram
   https://twitter.com/instagram
   http://linkedin.com/company/instagram

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

6. The Complainant has secured ownership of numerous trade mark registrations for INSTAGRAM and INSTA, as well as figurative trade mark registrations for its Instagram logo, in various jurisdictions. Details of which has been enumerated in the complaint as followed:
   - Indian Trade Mark No. 3101498, INSTA, registered on 5 December 2017;
   - United States Trademark Registration No. 5,061,916, INSTA, registered on 18 October 2016;
   - European Union Trade Mark No. 014810535, INSTA, registered on 23 May 2018;
   - Indian Trade mark No. 2645896, INSTAGRAM, registered on 19 December 2013;

- International Registration No. 1129314, INSTAGRAM, registered on 15 March 2012;
- United States Trademark Registration No. 4,146,057, INSTAGRAM, registered on 22 May 2012; and
- Indian Trade mark No. 3257847, , registered on 12 May 2016.

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

7. The Complainant highlights that the Domain Name resolves to a website entitled "Insta Downloader.in", which purports to offer a tool to download "photos, reels, videos, stories, IGTV and profile photos from Instagram" by prompting Instagram users to enter an Instagram URL into the box featured on the homepage (the **Respondent's website**). The Complainant further highlights that the website states:

> "In Instagram Video downloader you can download Instagram videos online in high-quality full HD, also you can save ig videos and Live videos, you don't have to log in to your account to download or view Instagram videos, and you'll be able to download Instagram Reels videos too."

8. The Complainant points out that the Respondent's website makes prominent reference to the Complainant's INSTAGRAM trade mark and features two logos (including as a favicon) that either closely replicate or directly mirror the "look and feel" of the Complainant's distinctive camera logo and figurative trade mark, as detailed below:

Logos on the Respondent's website	**Complainant's Instagram logo and figurative trade mark**
	

9. The Complainant also points out that apart from the email address support@instadownloader.in, the "Contact Us" page of the Respondent's website does not provide any other contact details and there is a disclaimer displayed at the bottom of the homepage:

> "Insta Downloader is not endorsed or certified by Instagram. All Instagram Logos and Trademarks displayed on this website are property of Instagram. We are not affiliated with Instagram or Meta.

A copy of Screen captures of the Respondent's website has been attached by the Complainant as **Annexure 10** along with the complaint.

10. The Complainant brings to notice that the the Complainant through lawyers sent an abuse notice to the Respondent via the Registrar's registrant contact form on 13 January 2026 and a cease-and-desist letter to the Respondent using the email address listed on the Respondent's website on 19th January 2026 but received no response from the Respondent.
    A copy of Screen captures of the abuse notice sent via the Registrar's registrant contact form and a copy of the cease and desist letter has been attached by the Complainant as **Annexure 11** along with the complaint.

11. The Complainant relies upon the Uniform Domain Name Dispute Resolution Policy (UDRP) and UDRP-based decisions, as well as the WIPO Overview of WIPO Panel Views on Select UDRP Questions, ("**WIPO Overview 3.1**"), given the similarities of the UDRP with the .IN Policy; see *LEGO Juris A/S v. Robert Martin*, INDRP/125 (<lego.co.in>), where the panel referred to prior UDRP decisions to support its findings.

E. RESPONDENT CONTENTION:

It is the response of the Respondent that:

1. The Respondent states that the disputed domain name **<instadownloader.in>** was registered on 13 September 2021 to operate a free, publicly accessible online utility tool enabling users to save publicly available media content from social media platforms for personal, offline use.

2. The Respondent further states that the word "insta" was selected as a common abbreviation of "instant", denoting speed and immediacy, and that "downloader" is a generic and descriptive term. The combination "instadownloader" describes a functional utility and is not intended as a brand identifier or necessarily as a reference to the Complainant's platform.

3. The Respondent furthermore states that the website operates as a free utility service, without subscription fees, user registration, advertising revenue or any commercial gain and the Domain Name was registered & used for a genuine, functional utility service enabling users to save publicly available media content for personal offline use, and that such services are widely offered globally.

4. The Respondent asserts that it did not intend to mislead users or exploit the Complainant's goodwill and relies upon the disclaimer displayed on the website, stating that the service was not endorsed or certified by Instagram, that the Instagram logos and trademarks were the property of Instagram, and that the service was not affiliated with Instagram or Meta.

5. The Respondent further asserts that the service operated in a descriptive capacity and that similar services operate globally under descriptive domain names incorporating platform names alongside the word "downloader".

6. The Respondent furthermore asserts that the Respondent registered the Domain Name to operate a legitimate utility service and not to target the Complainant's trademarks. The Respondent contends that the choice of "insta" as a reference to "instant", together with the descriptive term "downloader", reflects the functional nature of the service.

7. The Respondent contends that the website had no monetisation, advertising, subscription fees or collection of data for commercial purposes, and that the Respondent derived no financial benefit from its operation.

8. The Respondent further contends that the disclaimer was intended to distinguish the website from the Complainant and to demonstrate responsible and transparent conduct.

F. DISCUSSIONS AND FINDINGS:

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

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

a. the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and
b. the Respondent has no rights or legitimate interests in respect of the domain name; and
c. the Registrant's domain name has been registered or is being used in bad faith."

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

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

i. The Complainant submitted that the disputed Domain Name incorporates the term "insta", which is not only the Complainant's INSTA trade mark but also the dominant part of its INSTAGRAM trade mark, with the addition of the dictionary term "downloader", under the ccTLD ".in" for India and the Complainant has established rights in the trade marks INSTA and INSTAGRAM for purposes of paragraph 4(a) of the Policy.

ii. The Complainant further submitted that the term "downloader" does not prevent a finding of confusing similarity with the Complainant's trade marks. The Complainant has relied upon WIPO Overview 3.1, section 1.8

and *Instagram, LLC v. Gamal Eldin Mohamed Reda, Mobile9,* WIPO Case No. DCO2025-0019 (<**instadownloader**.co>).

iii. The Complainant has furthermore submitted that the ccTLD ".in" may be disregarded and relied upon see WIPO Overview 3.1, section 1.11.1 and *Instagram LLC v. Muhmmmad Asif,* INDRP/1975 (<apkinstapro.in>)

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

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

i. The Complainant stated that 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. The Complainant has relied upon prior panels that held the lack of prior authorisation sufficient to establish a *prima facie* case regarding the respondent's lack of rights or legitimate interests in the disputed domain name and also on *Wacom Co. Ltd. v. Liheng,* INDRP/634, <wacom.in>.

ii. The Complainant asserted that the the Respondent's website purports to offer a tool enabling users to download content from the Instagram platform.

iii. The Complainant further asserted that the Respondent has made unauthorised use of the Complainant's trade mark to market its own ancillary services and the Respondent does not provide sales or repairs in relation to a product provided by the Complainant. Notably, even if one is to apply the *Oki Data* criteria, the Respondent fails to fulfil the first and third criteria, as follows:

(i) The Respondent's website purports to offer an unauthorised third party tool to download content from Instagram. As such, the Respondent cannot be said to use the Respondent's website to offer the goods or services at issue, namely the Complainant's Instagram application.

(iii) Despite the disclaimer featured on the Respondent's website, by displaying repeated references to the Complainant's INSTAGRAM trade mark alongside two modified versions of the Complainant's figurative trademark and logo, the Respondent's website is likely to mislead Internet users into mistakenly believing that it is operated or authorized by the Complainant.

iv. The Complainant brought to notice that the Respondent's use of the Domain Name, which comprises of the Complainant's INSTA trade mark or the dominant part of Complainant's INSTAGRAM trade mark, violates the Instagram Brand Assets & Guidelines and Respondent's use of the Domain Name to provide a tool enabling users to download Instagram

content breaches the Meta Developer Policies as such tools go beyond the limits placed on the functionality of the Instagram platform.

v. The Complainant pointed out that the provision of such a tool breaches or facilitates a breach of the Instagram Terms of Use, which prohibit interfering with or impairing the intended operation of the Complainant's services as well as accessing or collecting information from the Complainant's platforms in unauthorised ways.

vi. The Complainant has relied upon *LLC v. Bar Technologies*, WIPO Case No. DME2021-0005 (<instagramdownloader.me>):
"The Panel also finds that the nature of the services provided on the website at the disputed domain name, in particular, downloading videos contrary to the Complainant's policies, cannot constitute a *bona fide* offering of goods or services or legitimate noncommercial fair use."

vii. The Complainant further stated that as per Complainant's knowledge, there is no evidence that the Respondent has obtained or applied for any trade mark registration or similar right for "insta", "insta downloader" or any variation thereof, as reflected in the Domain Name.

viii. The Complainant also pointed out that 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 trade mark rights.

ix. The Complainant furthermore asserted 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. Notably, the Respondent is misleadingly diverting internet users to its website. And also, the Respondent's website makes prominent references to the Complainant's INSTAGRAM trade mark and features modified versions of its distinctive logo and figurative trade mark.

x. The Complainant has relied upon:

– *Facebook, Inc. v. Batyi Bela, Whois privacy services, provided by DomainProtect*, WIPO Case No. D2020 2683 (<fbvideo.com>):
"Since around February 2017, it points to websites [...] offering services related to downloading videos from the Complainant's social media platform. The Respondent's website includes in its content various references to the Complainant's trademarks, using a combination of colors and various graphical elements that clearly reproduce the FACEBOOK platform's 'look and feel'. Therefore, while the Respondent's website contains a disclaimer, the Panel considers that such disclaimer is not sufficient to avoid the risk of affiliation of the

disputed domain name and the Respondent's website with the Complainant and its FB trademark."

– *LLC v. GB Apps*, INDRP/1890 (<instapro.com.in>):

"The inclusion of the well-known mark 'INSTA' in the Disputed Domain Name reflects the malafide intention of the Respondent to use the Disputed Domain Name for earning profits. Such a conduct demonstrates anything but a legitimate interest in the domain name."

–*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. Respondent appears to have no rights or legitimate interests in the Domain Name, given that Complainant has not authorized or permitted Respondent to register or use the Domain Name. Under the circumstances, the Panel concludes that the Domain Name was not registered and has not been used for any legitimate or fair purpose."

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

C. Whether the Registrant's domain name has been registered or is being used in bad faith?"

i. The Complainant's INSTAGRAM and INSTA trademarks are well known, with INSTA being a widely known abbreviation of the Complainant's INSTAGRAM trade mark. The leading search results obtained by typing the term "insta" into Google's search engine available at www.google.com refer to the Complainant and its business.

ii. The Complainant contended that prior panels, including under the Policy, have recognised the strength and renown of the Complainant's INSTA and INSTAGRAM trade marks and have ordered transfer of disputed domain names comprising such marks to the Complainant numerous

times; see *Instagram, LLC v. Omer Ulku*, WIPO Case No. D2018-1700 (<supportinsta.com> et al., registered in 2018):

Complainant's INSTA and INSTAGRAM trademarks are well known throughout the world in connection with online photo sharing social network".

iii. The Complainant has relied upon *Instagram LLC v. GB Apps, supra.*:

"The Complainant is vested with worldwide statutory rights in its INSTA Marks earliest registration being in the year 2010. The Respondent's registration of a Disputed Domain Name wholly incorporating the Complainant's well-known house mark is of concern due to the grave likelihood of creating confusion in the minds of the public."

iv. The Complainant submitted that the Respondent could not credibly argue that it did not have knowledge of Instagram or of its INSTAGRAM or INSTA trade marks when registering the Domain Name in 2021 as by that time Instagram had amassed nearly 2 billion monthly active users. The Complainant has elide upon *Instagram, LLC v. GB Apps Apps.PK*, INDRP/1896 (<instander.net.in>):

"Given the Complainant's renown and goodwill worldwide, [...] and its trade mark rights in INSTAGRAM and its abbreviation INSTA established long before the registration of the Domain Name in September 2023, the Respondent could not credibly argue that it did not have knowledge of the Complainant's INSTAGRAM or INSTA trade marks when it registered the Domain Name."

v. The Complainant has relied upon:

- *Instagram, LLC v. Sergey Petrov*, WIPO Case No. D2021-0482 (<gramhum.com>):

  "As indicated above, the Domain Name is being used in bad faith by the Respondent to offer Internet users a tool for viewing and downloading content from Instagram "

- *LLC v. Mulmmmad Asif*, INDRP/1975 (<apkinstapro.in>):

  "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 of the 'INSTA" trademark as to the source or endorsement of the software product featured on the Respondent's website."

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

  "The tools provided on the Respondent's website, by [...] sidestepping the inability of users to download Facebook or Instagram content directly, may place the privacy and security of

Facebook and Instagram users at risk as the downloaded content can be stored and later used for unauthorized purposes by third parties. As noted by the Complainant, prior UDRP panels have already held that the unauthorized automated downloading of content from social networks amounts to bad faith."

- *Instagram, LLC v. Protection of Private Person / Yurii Shemetilo / Olha Shostak*, WIPO Case No. D2022 2832 (<insta-stories.online> et al.):

"While a clear and sufficiently prominent disclaimer could lend support to circumstances suggesting the Respondents' good faith, where the overall circumstances of a case point to the Respondents' bad faith, the mere existence of a disclaimer cannot cure such bad faith. Rather, panels have held that in such cases a respondent's use of a disclaimer could be considered as an admission by the respondent that users may be confused."

vi. In view of the above, it is evident that the Domain Name was registered and is being used in bad faith in accordance with Paragraph 4(c) of the .IN Policy.

G. DECISION:

In the light of foregoing discussions, it is abundantly clear that the disputed domain name is confusingly similar to a mark in which the Complainant have rights, that the Respondent has no rights or legitimate interests in respect of disputed domain name. It can be clearly held that the Complainant succeeded in establishing that the disputed domain name was registered by the Respondent in bad faith and being used in bad faith in accordance with the policy and rules.

This Tribunal, therefore, orders that the domain name **<instadownloader.in>** be transferred to the Complainant.

Abhinav S. Raghuvanshi

Sole Arbitrator

Place: New Delhi
Date: 12.11.2026