

ADMINISTRATIVE PANEL DECISION

Instagram, LLC v. Giannis Sarelas
Case No. D2024-2998

1. The Parties

The Complainant is Instagram, LLC, United States of America (“United States”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Giannis Sarelas, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <anonigviewer.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 24, 2024. On July 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 25, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 25, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 29, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 22, 2024. The Respondent sent email communications to the Center on July 26 and 29, August 1, 15, and 17, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on September 12, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a United States based company, which provides online photo and video sharing services. Since 2010, these services are provided through its internationally known and popular online platform, which primarily consists of a mobile application and a website.

Among many INSTAGRAM and other trademarks, the Complainant is also the owner of the IG trademark. Its trademark registrations include the European Union Trademark Registration No. 017946393, registered on January 31, 2019, for IG, covering protection for various goods and services primarily related to online social networking services.

Furthermore, the Complainant is the registered owner of many domain names comprising its IG trademark.

The Respondent is reportedly located in the United Kingdom.

According to provided screenshots by the Complainant, the disputed domain name resolved to a website that offered an online application to watch the Complainant's user stories on its social media platform anonymously. In the terms of use section of the associated website, it was indicated that the application is "not affiliated with Instagram & we don't host any of the Instagram media or content on this website, all rights belong to their respective owners".

At the time of the Decision, the disputed domain name does no longer resolve to an active website.

On April 24, 2024, the Complainant's lawyer sent an infringement notice to the Respondent via the Registrar's registrant contract form for the disputed domain name, but no response was received.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, the Center received informal email communications from the Respondent on July 26 and 29, August 1, 15, and 17, 2024, mainly indicating that he stopped using the website already in the year 2022 and that he is willing to cancel or transfer the disputed domain name to the Complainant. For example, the Respondent literally stated in his email of August 15, 2024: "If needed, I can cancel or transfer the domain. Thank you." He repeated his offer to transfer the domain name in his email to the Center on August 17, 2024. Literally, the Respondent stated: "I can transfer the domain to you, and you will receive a refund".

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

A. Consent to Transfer

The Panel notes that even without a formal settlement between the parties, a consent for the transfer of the disputed domain name by the Respondent can provide sufficient basis for an order for transfer without the need for substantial consideration of the UDRP grounds and the further merits of the case. In view of [WIPO Overview 3.0](#), section 4.10, a panel may "order the requested remedy solely on the basis of such consent".

In his Response, the Respondent unambiguously and repeatedly expressed his willingness and consent to transfer the disputed domain name to the Complainant. The Respondent even indicated in his email communications to the Center of August 17, 2024, to refund the Complainant for incurred costs.

Bearing in mind that the Respondent has not rebutted the Complainant's trademark rights and contentions, the Panel finds that the various email communications by the Respondent to the Center undoubtedly demonstrate his willingness and consent to have the disputed domain name transferred to the Complainant.

The fact that no settlement has been concluded between the Parties does, in view of the Panel, not affect the effectiveness of the Respondent's unilateral consent to the transfer of the disputed domain name.

B. Conclusion

The Panel notes that despite the willingness of the Respondent to transfer the disputed domain name, the Complainant did not request suspension of the proceedings and wished to proceed on the merits of the case, particularly as the Respondent was already given the opportunity to settle the case prior to the administrative proceeding and that meanwhile the Complainant was obliged to incur time and costs of filing the Complaint.

As a consequence, the Panel orders the transfer of the disputed domain name based on the Respondent's consent to transfer and exceptionally renders its Decision in summary form.

But even if the Respondent would not have provided its consent to transfer the disputed domain name, the Panel finds that (without the need to go into details) the disputed domain name is confusingly similar to the Complainant's IG trademark, the Respondent does not have rights or legitimate interests in the disputed domain name, and the disputed domain name was registered and is being used in bad faith, even if it does not resolve to an active website anymore.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <anonigviewer.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: September 26, 2024