



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No:	HK-2201645
Complainant:	Bytedance Ltd
Respondent:	刘欣/ liu xin / 昆明猫朵网络科技有限公司
Disputed Domain Names:	<tiktokparati.com>, <tiktok.公司> and <tiktok.网络>

1. The Parties and Contested Domain Names

The Complainant is **Bytedance Ltd** whose address is situated at P.O. Box 31119 Grand Pavilion, Hibiscus Way, 802 West Bay Road, Grand Cayman, KY1 - 1205 Cayman Islands.

The Respondent is 刘欣/ liu xin / 昆明猫朵网络科技有限公司 whose address is situated at 中国云南昆明市俊福花城, 100000, CN / kunming maodu, CN, 云南, yun nan, 昆明市 kun ming shi, 官渡区环湖东路山海湾 5 栋 3 单元 2602, guan du qu huan hu dong lu shan hai wan 5 dong 3 dan yuan 2602, 650000 / CN, 云南.

The domain names at issue are <tiktokparati.com>, <tiktok.公司> and <tiktok.网络> (“the Disputed Domain Names”), registered by the Respondent with Alibaba Cloud Computing (Beijing) Co., Ltd. (“the 1st Registrar”, in respect of <tiktokparati.com>); and with Beijing HiChina Zhicheng Technology Co, Ltd. (HiChina) (“the 2nd Registrar”, in respect of <tiktok.公司> and <tiktok.网络>) whose addresses are respectively situated at Alibaba, Building No.9 Wangjing East Garden 4th Area Chaoyang District Beijing 100102 China and 1/F, South of HiChina Mansion, No.27 Outer Drum-Tower Street, Dongcheng District, Beijing, 100120 China.

2. Procedural History

On 8 August 2022, the Complainant filed a Complaint in respect of the domain name <tiktokparati.com> with Hong Kong International Arbitration Centre (“HKIAC”), the Hong Kong Office of Asian Domain Name Dispute Resolution Centre (“ADNDRC”), pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”),

approved by ICANN Board of Directors on 28 September 2013 and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“**Supplemental Rules**”) effective from 31 July 2015.

On 9 August 2022, HKIAC transmitted by email to the 1st Registrar a request for confirmation of the WHOIS records of <tiktokparati.com> and other related information.

On 10 August 2022, the 1st Registrar confirmed by email that it is the registrar of the domain name <tiktokparati.com> that was registered by the Respondent for the period from 31 January 2021 to 31 January 2023; and that the Policy is applicable to the dispute relating to this domain name and the language of the Registration Agreement of this domain name is Chinese; and provided to HKIAC the Respondent’s email address and other WHOIS information of <tiktokparati.com> .

On 16 August 2022, the Complainant filed an amended Complaint and included in this amended Complaint the domain names <tiktok.公司> and <tiktok.网络>.

On 17 August 2022, HKIAC transmitted by email to the 2nd Registrar a request for confirmation of the WHOIS records of the domain names <tiktok.公司> and <tiktok.网络 > and other related information.

On 18 August 2022, the 2nd Registrar confirmed by email that it is the registrar of the domain names <tiktok.公司> and <tiktok.网络> that were registered by the Respondent for the period from 25 June 2021 to 25 June 2023; and that the Policy is applicable to the dispute relating to these domain names and the language of the Registration Agreement of these domain names is Chinese; and provided to HKIAC the Respondent’s email address and other WHOIS information of <tiktok.公司> and <tiktok.网络> .

Based on the WHOIS information respectively provided by the 1st Registrar and the 2nd Registrar, the Disputed Domain Names were prima facie registered by the same registrant, namely, the Respondent; and on 19 August 2022, pursuant to Paragraph 4(f) of the Policy HKIAC accepted that all claims by the Complainant and the amended Complainant in respect of the Disputed Domain Names be consolidated subject to a final determination by the Panel under the Rules.

In respect of the language of proceeding, on 19 August 2022, HKIAC notified the Complainant that pursuant to Article 11(a) of the Rules, as the Registration Agreements of the Disputed Domain Names are in Chinese, the language of the administrative proceeding should be Chinese, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

On 24 August 2022, HKIAC confirmed that the Complainant as amended was administratively in compliance with the Policy and the Rules.

On 29 August 2022, in accordance with Article 2(a) of the Rules, HKIAC issued a Written Notice of the Complaint in Chinese and in English and formally notified the Respondent of the commencement of the administrative proceeding in this dispute. In accordance with Article 5(a) of the Rules, the due date for the Respondent to submit a Response to the Complaint was 18 September 2022. But HKIAC has not received any Response from the Respondent.

On 29 August 2022, HKIAC also issued a notification regarding the language of proceeding in this dispute and invited the Respondent to respond by 3 September 2022 to the Complainant's request for the language of proceeding in this dispute be in English. Again, the Respondent has not responded.

On 19 September 2022, HKIAC issued a notification of "Respondent in Default".

On 20 September 2022, HKIAC appointed Mr. Raymond HO as the sole panelist of the Panel in this matter; and transmitted the case file to the Panel on the same date. Prior to the appointment, the said sole panelist had submitted to HKIAC his Statement of Acceptance and Declaration of Impartiality and Independence in compliance with Article 7 of the Rules.

3. Factual background

The Complainant, Bytedance Ltd., is incorporated in Cayman Islands with its principal place of business in China. It is an internet technology company that enables users to discover a world of creative content platforms powered by leading technology. It owns a series of products that enable people to connect with consuming and creating content, including TikTok, Helo and Resso. TikTok was launched in May 2017 and became the most downloaded application in the world in both 2020 and 2022. TikTok enables users to create and upload short videos. TikTok offers features such as background music and augmented reality effects, but users' control which features to pair with the content of their self-directed videos, and TikTok serves as a host for the content created by its users. TikTok is available in more than 150 different markets, in 75 languages, and is the leading destination for short-form mobile video. TikTok has global offices including Los Angeles, New York, London, Paris, Berlin, Dubai, Mumbai, Singapore, Jakarta, Seoul, and Tokyo. In Google Play, more than 500 million users have downloaded TikTok app. The app is ranked as "#1 in Entertainment" in the Apple Store. Complainant also has a large internet presence through its primary website <tiktok.com>. According to SimilarWeb.com, <tiktok.com> had a total of 1.5 billion million visitors in February 2022 alone, making it the 15th most popular website globally and 21st in the United States.

The Respondent, 刘欣/ liu xin / 昆明猫朵网络科技有限公司, registered the Disputed Domain Name names <tiktokparati.com> for the period from 31 January 2021 to 31 January 2023 and <tiktok.公司> and <tiktok.网络> for the period from 25 June 2021 to 25 June 2023. None of the Disputed Domain Names has resolved to any active website.

4. Parties' Contentions

A. Complainant's Contentions

It is the Complainant's contention that each of the conditions in Paragraph 4(a) of the Policy is present in the Complaint, namely:

- (i) The Disputed Domain Names are identical or confusingly similar to Complainant's trademark "TIK TOK/TIKTOK";

- (ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain names; and
- (iii) The Respondent has registered and used the Disputed Domain Names in bad faith.

Hereunder are the Complainant's contentions:

i) The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights:

By virtue of its trademark and service mark registrations as shown in Annex 1 [to the Complaint] the Complainant is the owner of the TIK TOK/TIKTOK trademark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0") at 1.2.1: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case."

It is standard practice when comparing a Disputed Domain Name to the Complainant's trademarks, to not take the extension into account. See WIPO Jurisprudential Overview 3.0 at 1.11.1: "The applicable Top Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test".

However, the inclusion of the TLDs "公司" and "网络" in the Disputed Domain Names <tiktok.公司> and <tiktok.网络>, corresponds to the Complainant's area of trade or business, and thus, further indicates that Respondent was aware of the Complainant and its rights in the TIK TOK/TIKTOK trademark. More specifically, "公司" and "网络" refers to "company" and "network" respectively, which are direct descriptions of the Complainant's businesses. See WIPO Jurisprudential Overview 3.0 at 3.2.1 (Panels have included "the chosen top-level domain (e.g., particularly where corresponding to the complainant's area of business activity or natural zone of expansion)" when assessing whether the respondent's registration of a domain name is in bad faith).

The Second Level Domain of the Disputed Domain Names <tiktok.公司> and <tiktok.网络> consist solely of Complainant's TIK TOK/TIKTOK trademark, resulting in domain names that are identical to the Complainant's TIK TOK/TIKTOK trademark and thus meeting the requirements under Paragraph 4(a)(i) of the Policy.

In creating the [d]isputed [d]omain [n]ame <tiktokparati.com>, Respondent has added the generic, descriptive term "parati" to the Complainant's TIK TOK/TIKTOK trademark, thereby making the [d]isputed [d]omain [n]ame confusingly similar to Complainant's trademark. The fact that such term is closely linked and associated with the Complainant's brand and trademark only serves to underscore and increase the confusing similarity between the [d]isputed [d]omain [n]ame and the Complainant's trademark. More specifically:

"parti" – means "for you" in Spanish. Complainant runs a campaign named "TikTok #For You" globally.

See Annex 5.2 and Annex 5.3 [to the Complaint] for TikTok #ForYou.

Past Panels have consistently held that disputed domain names that consist merely of a complainant's trademark and an additional term that closely relates to and describes that complainant's business is confusingly similar to that complainant's trademarks. See also WIPO Jurisprudential Overview 3.0 at 1.8 "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

The [d]isputed [d]omain [n]ames, <tiktok.公司> and <tiktok.网络>, are internationalized domain names ("IDNs") with the punycode translation of "xn--55qx5d" and "xn--io0a7i", which translate to "company" and "network" in English. As an IDN that contains non-traditional, non-ASCII characters, the [d]isputed [d]omain [n]ames must be encoded into its punycode form. Past Panels have found IDNs, their punycode translations, and the English translation to be equivalent for purposes of determining confusing similarity. The WIPO Jurisprudential Overview 3.0 at 1.14 determines that a domain name that consists or is comprised of a translation or transliteration of a trademark will normally be found to be identical or confusingly similar to such trademark for purposes of standing under the Policy, where the trademark – or its variant – is incorporated into or otherwise recognizable, through such translation/transliteration, in the <tiktok.公司> and <tiktok.网络> domain names.

In light of the above, the Disputed Domain Names should be considered confusingly similar to the Complainant's TIK TOK/TIKTOK trademark, fulfilling the requirement under Paragraph 4(a)(i) of the Policy. The Respondent registered the Disputed Domain Names precisely because it believed that they are confusingly similar to Complainant's trademark as are made obvious by the fact that they point to a fully branded TIK TOK website, misleading affiliation or association with the Complainant.

ii) The Respondent has no rights or legitimate interests in respect of the domain names:

The granting of registrations by the CTMO, USPTO, EUIPO, and the WIPO, to the Complainant for the TIK TOK/TIKTOK trademark is prima facie evidence of the validity of the term "TIK TOK/TIKTOK" as a trademark, of the Complainant's ownership of this trademark, and of Complainant's exclusive right to use the TIK TOK/TIKTOK trademark in commerce on or in connection with the goods and/or services specified in the registration certificates.

In the instant case, the pertinent Whois information as provided by ADNDRC (Hong Kong Office) on August 10, 2022 and August 19, 2022, identifies the Registrant is "刘欣 / liu xin / 昆明猫朵网络科技有限公司", which does not resemble the Disputed Domain Names in any manner. Thus, where no evidence, including the Whois record for the Disputed Domain Names, suggests that the Respondent is commonly known by the Disputed Domain Names, then the Respondent cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Names within the meaning of Paragraph 4(c)(ii) of the Policy. See Paragraph 4(c)(ii) of the Policy. Furthermore, the Complainant has not licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant's trademark. "In the absence of any license or permission from the Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the [d]isputed [d]omain [n]ame could reasonably be claimed." See *Sportswear Company S.P.A. v. Tang Hong*, D2014-1875 (WIPO Dec. 10, 2014).

The Respondent is using the Disputed Domain Names to redirect internet users to a website that resolves to a blank page and lacks content. The Respondent has failed to make use of [the]

Disputed Domain Names' websites and has not demonstrated any attempt to make legitimate use of the domain names and websites, which evinces a lack of rights or legitimate interests in the Disputed Domain Names, as confirmed by numerous past Panels.

The Respondent registered the Disputed Domain Names on January 31, and June 25, 2021 which are significantly after the Complainant filed for registration of its TIK TOK/TIKTOK trademark with CTMO, USPTO, EUIPO, and the WIPO, and significantly after the Complainant's first use in commerce of its trademark in 2017. The Disputed Domain Name's registration date is also after the Complainant obtained its <tiktok.com> domain name in May 2018.

For the reasons set out above, the Complainant submits that the Respondent has no rights or legitimate interests in the Disputed Domain Names.

iii) The disputed domain names have been registered and is being used in bad faith:

The Complainant and its TIK TOK/TIKTOK trademark are known internationally, with trademark registrations across numerous countries. The Complainant has marketed and sold its goods and services using this trademark since 2017, which is well before the Respondent's registration of the Disputed Domain Names on January 31, and June 25, 2021.

By registering domain names that consist of the Complainant's TIK TOK/TIKTOK trademark in its entirety, with the mere addition of a related term "parati", the Respondent has created three domain names that are confusingly similar to Complainant's trademark. As such, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business. In light of the facts set forth within this Complaint, it is "not possible to conceive of a plausible situation in which the Respondent would have been unaware of" the Complainant's brands at the time the Disputed Domain Names were registered. See *Telstra Corp. Ltd. v. Nuclear Marshmallows*, D2000-0003 (WIPO Feb. 18, 2000). Stated differently, TIK TOK/TIKTOK is so closely linked and associated with the Complainant that the Respondent's use of this mark, or any minor variation of it, strongly implies bad faith – where a domain name is "so obviously connected with such a well-known name and its products, its very use by someone with no connection with the products suggests opportunistic bad faith." See *Parfums Christian Dior v. Javier Garcia Quintas*, D2000-0226 (WIPO May 17, 2000). Further, where the Disputed Domain Name consists of the well-known TIK TOK/TIKTOK trademark with the mere addition of a related term "coins", "it defies common sense to believe that Respondent coincidentally selected the precise domain without any knowledge of Complainant and its trademarks." See *Asian World of Martial Arts Inc. v. Texas International Property Associates*, D2007-1415 (WIPO Dec. 10, 2007).

The Disputed Domain Names currently resolve to inactive sites and are not being used, though past Panels have noted that the word bad faith "use" in the context of Paragraph 4(a)(iii) of the Policy does not require a positive act on the part of the Respondent – instead, passively holding a domain name can constitute a factor in finding bad faith registration and use pursuant to Paragraph 4(a)(iii) of the Policy. In this case, the Disputed Domain Names are confusingly similar to the Complainant's trademarks, and the Respondent has made no use of the Disputed Domain Names, factors which should be duly considered in assessing bad faith registration and use. Previous Panels have concluded that evidence of prior Panel decisions in which domain names have been transferred away from the Respondent to complaining parties supports a finding that the Respondent has engaged in a bad faith pattern of "cybersquatting." The Respondent here has previously been involved in the below-listed cases, which provide evidence of the pattern of cybersquatting in which the Respondent is engaging.

The below represents further examples of cybersquatting/typosquatting by the Respondent, thus establishing a pattern of such conduct and bad faith registration and use:

- rolexshoop.com (Rolex SA – ROLEX)
- wegame.icu (Tencent Holdings Limited – WEGAME)
- applepaycard.com.cn (Apple Inc. – APPLE PAY)

See Annex 8.1 [to the Complaint] for the Whois information of the Respondent's other infringing domain names.

The Respondent has registered 3 domain names that each infringes upon Complainant's TIK TOK/TIKTOK trademark. This demonstrates that the Respondent is engaging in a pattern of cybersquatting, which is evidence of bad faith registration and use. To register so many domain names using so many combinations of the Complainant's trademarks is a pattern and a calculated attempt by the Respondent to foreclose the Complainant from using its own trademarks in cyberspace (Paragraph 4(b)(ii) of the Policy). This is classic cybersquatting.

Finally, on the balance of the facts set forth above, it is more likely than not that the Respondent knew of and targeted the Complainant's trademark, and the Respondent should be found to have registered and used the Disputed Domain Names in bad faith.

Based on these grounds, the Complainant requests that the Disputed Domain Names be ordered to be transferred to the Complainant.

B. Respondent's Contentions

The Respondent did not submit any Response to the Complaint.

5. Discussion and Findings of the Panel

Preliminary issues

(1) Respondent in Default

Article 14(a) of the Rules provides that "in the event that a Party, in the absence of exceptional circumstances, does not comply with any of the time periods established by these Rules ..., the Panel shall proceed to a decision on the complaint". The Panel is satisfied on the record that the written notification of the Complaint was duly served in the languages of Chinese and English on the Respondent by HKIAC. In accordance with Article 15(a) of the Rules, the Panel shall proceed to decide the case "on the basis of the statements and documents submitted and in accordance with the Policy, [the] Rules and any rules and principles of law that it deems applicable".

(2) Consolidation of the Complainant's multiple disputes in the Disputed Domain Names

Based on the WHOIS information respectively given by the 1st Registrar and the 2nd Registrar, the Panel is satisfied that the Disputed Domain Names are held by one of the same registrants,

namely, the Respondent; and as such, under the provisions of Article 10(e) of the Rules, the Panel agrees with HKIAC's administrative decision to consolidate the Complainant's disputes in the Disputed Domain Names in accordance with the Policy and the Rules.

(3) Language of proceedings

Based on the confirmations given by the 1st Registrar and the 2nd Registrar, the Registration Agreements of the Disputed Domain Names are all in the Chinese language. Article 11(a) of the Rules provides "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise having regard to the circumstances of the administrative proceeding". Having carefully considered the record in the case file, the Panel accepts the Complainant's request that the Complainant be filed in English in this case for the following reasons:

1. All relevant communications to the parties in this case, in particular, the Written Notice of the Complaint dated 29 August 2022 and the notification regarding the language of proceeding dated 29 August 2022, were issued by HKIAC during administrative procedures in the languages of English and Chinese. Therefore, the Respondent should have a reasonable opportunity to respond in a timely manner to the Complainant's request that the Complainant in this case be submitted in English. The Respondent, however, has not responded.
2. In order to avoid delays and additional costs, in the specific circumstances of this case, the Panel is of the view that by accepting the Complainant's request that English be used in the circumstances of the administrative proceeding would adequately meet the objectives of the "Policy" and "Rules" for resolving domain name disputes in an efficient and cost-effective manner.

For the reasons aforesaid, the Panel decides that English be the language of proceedings in this case.

Substantial issues

The Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

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

A) Identical / Confusingly Similar

Documentary evidence submitted in Annex 1 to the Complaint shows that the Complainant holds two valid US trademark registrations for its "TIKTOK" trademarks under registration nos. 5974902 and 5981212, registered respectively on 4 February 2020 and 11 February 2020.

By a textual comparison of the first disputed domain name <tiktokparati.com> with the Complainant's registered "TIKTOK" trademark, it is obvious that the entire "TIKTOK" trademark is recognizable as a distinct component of this disputed domain name. The Panel finds support to the Complainant's submission that "pariti", confusingly similar to "parati" in this disputed domain name could have been related to the Complainant's campaign "TikTok #For You". On this basis, the Panel concludes that the term "parati" is closely linked or associated with the Complainant's "TIKTOK" brand or trademark of services; and therefore, as a whole the disputed domain name <tiktokparati.com> is confusingly similar to the Complainant's registered "TIKTOK" trademark.

It is well-established that top-level domain ".com" is a required element of every domain name and it does not form part of the comparison for the purposes of Paragraph 4(a)(i) of the Policy.

The Panel therefore finds that the disputed domain name <tiktokparati.com> is confusingly similar to the Complainant's registered US trademark "TIKTOK" in which Complainant has exclusive rights.

As regards the disputed domain names <tiktok.公司> and <tiktok.网络>, the textual comparison shows clearly that each of them is identical to the Complainant's "TIKTOK" registered trademark if the IDNs with the respective punycode translations of ".公司" and ".网络", which mean "company" and "network" respectively in English, are excluded in the comparison.

Similar to the top-level domain name ".com", as the IDN is a required element of every domain name, the Panel is of the view that the IDN does not form part of the comparison for the purposes of Paragraph 4(a)(i) of the Policy.

The Panel therefore concludes that Paragraph 4(a)(i) of the Policy has been satisfied by the Complainant in respect of all the Disputed Domain Names.

B) Rights or Legitimate Interests

The Panel is of the view that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Names.

The Complainant has not authorized the Respondent to use its registered trademark "TIKTOK" nor to register the Disputed Domain Names; there is no evidence of the Respondent is commonly known by the Disputed Domain Names.

As stated in paragraph 2.1 of the WIPO Overview 3.0, once a complainant establishes a prima facie case in respect of the lack of rights or legitimate interests of a respondent, the respondent then carries the burden of demonstrating that it has rights or legitimate interests in the disputed domain name. Where the respondent fails to do so, a complainant is deemed to have satisfied Paragraph 4(a)(ii) of the Policy.

In the present case, the Respondent did not respond to the Complaint.

Paragraph 4(c) of the Policy provides that any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate the Respondent's rights or legitimate interests to

the domain name for the purposes of Paragraph 4(a)(ii) of the Policy:

- (i) before any notice to the Respondent of the dispute, the Respondent's 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) the Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate non-commercial 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's assertions and evidence in support of its case that the Respondent has no rights or legitimate interests in the Disputed Domain Name has not been rebutted by the Respondent.

The Panel finds none of the circumstances as set out in Paragraph 4(c) of the Policy is present.

The Panel therefore concludes that the Complainant has established Paragraph 4(a)(ii) of the Policy.

C) Registration and Use in Bad Faith

Paragraph 4(b) of the Policy provides that for the purposes of Paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the Respondent has registered or the Respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location.

The Panel finds evidence in support of the contention that the Complainant's "TIKTOK" app with a large internet presence through its primary website <tiktok.com> is one of the most popular apps globally in recent years.

On the totality of all evidence in the present case, the Panel has no difficulty in concluding that the Respondent has registered and used the Disputed Domain Names in bad faith for the following reasons:

- (i) It is inconceivable that the Respondent would not have known of the Complainant's "TIKTOK" brand or trademark at the time of registration of the Disputed Domain Names in 2021. Taking the Complainant's well-known "TIKTOK" mark to register the Disputed Domain Names without any legal justification to do so is by itself an act of bad faith registration of domain name under the generally accepted principles of bad faith. The Panel accepts the Complainant's submission that the registration of the Disputed Domain Names was a conduct of opportunistic bad faith by the Respondent.
- (ii) As submitted by the Complainant, the registration of <tiktok.公司> and <tiktok.网络> by the Respondent would show not only that the Respondent knew of the Complainant's "TIKTOK" trademark at the time of registration of these domain names but also of the Complainant's of trade or business as a company in the internet network applications. Such a choice of top-level domain that corresponds to the Complainant's business would support a finding that the Respondent's registration of <tiktok.公司> and <tiktok.网络> was in bad faith. The Panel accepts this submission and finds bad faith registration of the Disputed Domain Names by the Respondent for this reason as well as that set out in (i) above.
- (iii) The Respondent has not used any of the Disputed Domain Names to resolve to an active website. Such passive holding of the Disputed Domain Names by the Respondent is an incident of cybersquatting and amounts to bad faith use of the Disputed Domain Names.
- (iv) The three examples of <rolexshoop.com>, <wegame.icu> and <applepaycard.com.cn> referred to by the Complainant in its submission reinforce the finding that the Respondent has engaged in a pattern of cybersquatting of domain names.

Based on the above findings, the Panel concludes that circumstances (ii) of Paragraph 4(b) of the Policy are present; and accordingly, under the Policy and the generally accepted principles of bad faith, evidence of bad faith registration and use of the Disputed Domain Names is established in this case.

The Panel therefore finds that the Complainant has established Paragraph 4(a)(iii) of the Policy.

6. Decision

For all the foregoing reasons, in accordance with Paragraph 4(a) of the Policy and Article 15 of the Rules, the Panel orders that the Disputed Domain Names

<tiktokparati.com>, <tiktok.公司> and <tiktok.网络> be transferred to the Complainant.



**Raymond HO
Sole Panelist of the Panel
23 September 2022**