



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401864
Complainant:	Bytedance Ltd. 抖音视界有限公司
Respondent:	Li Ding / Bytedance Ltd.
Disputed Domain Name(s):	<bytedance.support>

1. The Parties and Contested Domain Name

The Complainant is Bytedance Ltd., of Grand Cayman, Cayman Islands, and “抖音视界有限公司”, of Beijing, China.

The Respondent is Li Ding / Bytedance Ltd., of Beijing, China.

The domain name at issue is <bytedance.support>, registered by Respondent with Ascio Technologies, Inc., of Denmark.

2. Procedural History

On 19 January 2024, the Complainant filed a Complaint in this matter with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“ADNDRC-HK”).

On 22 January 2024, the ADNDRC-HK notified Ascio Technologies, Inc. (“Registrar”) of the Disputed Domain Name of the proceedings by email and requested registrar verification in connection with the domain name at issue.

On 22 January 2024, the Registrar acknowledged the email of ADNDRC-HK confirming that the Disputed Domain Name is registered with the Registrar, that Li Ding / Bytedance Ltd. is the holder of the Disputed Domain Name and provided contact details.

On 23 January 2024, the ADNDRC-HK sent a Notification of Deficiencies of the Complaint to Complainant and, on 27 January 2024, an Amended Complaint was filed with the ADNDRC-HK. The Center verified that the Complaint satisfied the requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules of Procedure under the Policy (the “Rules”), and the Center’s Supplemental Rules.

In accordance with the Rules, the ADNDRC-HK sent a Written Notice of Complaint (“Notification”), together with the Complaint, to the Respondent on 29 January 2024. The

Notification gave the respondent twenty (20) calendar days to file a Response (i.e., on or before 18 February 2024).

On 19 February 2024, the ADNDRC-HK sent a Respondent in Default notice to the parties.

The Panel, comprised of Steven M. Levy, Esq. as a single panelist, was appointed by the ADNDRC-HK on 19 February 2024. The papers pertaining to the case were delivered to the Panel by email on the same date. The Panel finds that it was properly constituted and has acted impartially in reaching its conclusion.

3. Factual background

Complainant:

Launched in 2012, the Complainant is an internet technology company that owns a series of content platforms enabling people to connect with consuming and creating content through machine learning technology, including Toutiao and Douyin. It provides these services under the trademark BYTEDANCE which is registered in many countries and regions including China and the European Union (e.g., CNIPA Reg. No. 13563456 dated February 21, 2015). Complainant has over 150,000 employees based out of nearly 120 cities globally and its website at <bytedance.com> had received over 2 million visitors in the 3-month period between October and December 2023. The disputed <bytedance.support> domain name was registered on January 05, 2024 and initially auto-redirected users to Complainant's own website though it now does not resolve to any website content at all. Respondent has sent emails posing as Complainant's CEO and one of its Legal Representatives, seeking to meet The Governing Mayor of Berlin, Germany claiming that it is considering investing in commercial real estate.

Respondent:

No Response or other submission has been made in this case by the Respondent.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. Complainant is the owner of rights in the BYTEDANCE trademark, as evidenced by its ownership of numerous trademark registrations. The <bytedance.support> domain name is identical or confusingly similar to Complainant's mark as its second level consists entirely of the mark and it adds only the ".support" TLD;
- ii. Respondent has no rights or legitimate interests in the Disputed Domain Name as it is not commonly known thereby and Complainant has not authorized it to use the BYTEDANCE mark. Respondent is not making a *bona fide* use of the disputed domain name nor is it making a legitimate noncommercial or fair use phishing emails have been sent from the domain name and where it initially redirected users to Complainant's own website but now does not resolve to any web content; and
- iii. Respondent registered and uses the Disputed Domain Name in bad faith where it had prior knowledge of Complainant's mark and used the domain name, as noted

above, for commercial gain based on impersonation of Complainant and creating confusion with the BYTEDANCE mark.

B. Respondent

No Response or other submission has been made in this case by the Respondent

5. Findings

Having considered all the documentary evidence before it, and in view of the Respondent's nonparticipation in these proceedings after being afforded every opportunity to do so in accordance with Paragraph 14 of the Rules for Uniform Domain Name Dispute Resolution Policy ("the Rules") the Panel is of the view that it should proceed to decide this case against the Disputed Domain Name based upon the Complaint and evidence submitted by the Complainant.

In accordance with Paragraph 4(a) of the Policy, the Panel finds that:

- i. Complainant owns rights in the BYTEDANCE trademark and that Respondent's <bytedance.support> domain name is confusingly similar to such mark;
- ii. Respondent has no rights or legitimate interests in respect of the Disputed Domain Name as it is not commonly known thereby and, by leveraging the reputation of Complainant's trademark, it is not making a *bona fide* offering of goods or services or a legitimate noncommercial or fair use thereof; and
- iii. The Disputed Domain Name has been registered and is being used in bad faith where phishing emails have been sent from it and it automatically redirected users to Complainant's own website or does not currently resolve to any web content.

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- i. the domain name registered by Respondent 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. the domain name has been registered and is being used in bad faith.

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. *See* WIPO Jurisprudential Overview 3.0 at ¶ 4.3; *see also eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire*, FA 157287 (FORUM June 26, 2003) ("Because Complainant did not

produce clear evidence to support its subjective allegations [. . .] the Panel finds it appropriate to dismiss the Complaint”).

A) Identical / Confusingly Similar

Complainant asserts rights in the BYTEDANCE trademark based upon registration thereof with various trademark offices such as the China Trademark Office of National Intellectual Property Administration and the European Intellectual Property Office. Under Policy ¶ 4(a)(i), registration with such trademark offices is sufficient to establish rights in a trademark. *See Red Hat, Inc. v. Muhammad Shahzad*, FA 1787738 (FORUM June 19, 2018) (“Registration of a mark with multiple trademark agencies is sufficient to demonstrate rights to a mark per Policy ¶ 4(a)(i).”) As Complainant has submitted screenshots from the CNIPA and EUIPO websites evidencing registration of its asserted trademark, the Panel finds that Complainant has rights in these marks under Policy ¶ 4(a)(i).

Next, Complainant asserts that Respondent’s <bytedance.support> domain name is identical or confusingly similar to the BYTEDANCE mark as its second level consists solely of the mark and it adds only the “.support” TLD which may largely be disregarded in the present analysis. The Panel agrees and finds that the Disputed Domain Name is identical or confusingly similar to Complainant’s mark.

B) Rights and Legitimate Interests

Complainant must first make a *prima facie* case that Respondent lacks rights and legitimate interests in the Disputed Domain Name under Policy ¶ 4(a)(ii). Should it succeed in this effort, the burden then shifts to Respondent to show that it does have rights or legitimate interests. *See Advanced International Marketing Corporation v. AA-1 Corp*, FA 780200 (FORUM November 2, 2011) (finding that a complainant must offer some evidence to make its *prima facie* case and satisfy Policy ¶ 4(a)(ii)); *see also Neal & Massey Holdings Limited v. Gregory Ricks*, FA 1549327 (FORUM April 12, 2014) (“Under Policy ¶ 4(a)(ii), Complainant must first make out a *prima facie* case showing that Respondent lacks rights and legitimate interests in respect of an at-issue domain name and then the burden, in effect, shifts to Respondent to come forward with evidence of its rights or legitimate interests”).

Complainant contends that Respondent lacks rights or legitimate interests in the <bytedance.support> domain name since Respondent is not commonly known by the Disputed Domain Name. Whois information is often referenced when considering whether a respondent is commonly known by a disputed domain name under Policy ¶ 4(c)(ii). *See Amazon Technologies, Inc. v. LY Ta*, FA 1789106 (FORUM June 21, 2018) (concluding that a respondent has no rights or legitimate interests in a Disputed Domain Name where the complainant asserted it did not authorize the respondent to use the mark, and the relevant WHOIS information indicated the respondent is not commonly known by the domain name). Additionally, lack of authorization to use a complainant’s mark may indicate that the respondent is not commonly known by a disputed domain name. *See Emerson Electric Co. v. golden humble / golden globals*, FA 1787128 (FORUM June 11, 2018) (“lack of evidence in the record to indicate a respondent is authorized to use [the] complainant’s mark may support a finding that [the] respondent does not have rights or legitimate interests in the Disputed Domain Name per Policy ¶ 4(c)(ii)”). The Whois information for the Disputed Domain Name, as verified by the concerned Registrar, identifies Respondent as “Li Ding / Bytedance Ltd.” and Complainant asserts that at least the latter part of this identity is false based on Respondent’s lack of authorization to use the BYTEDANCE mark. Further, there

is no evidence to suggest that Respondent is known by, or that it has a license or other permission to use Complainant's mark. Finally, Respondent has defaulted in this case and so has not submitted any argument or evidence refuting Complainant's case or otherwise pertaining to this issue. Therefore, the Panel finds no ground upon which to conclude that Respondent is commonly known by the Disputed Domain Name under Policy ¶ 4(c)(ii).

Next, Complainant argues that Respondent fails to use the Disputed Domain Name in connection with a *bona fide* offering of goods or services or a legitimate noncommercial or fair use as the domain name has been used to send phishing emails and it either redirected to Complainant's own website or resolves to no web content at all. Using a confusingly similar domain name to impersonate a complainant in an attempt to defraud recipients is not a *bona fide* offering of goods or services or a legitimate noncommercial or fair use per Policy ¶¶ 4(c)(i) or (iii). See *Goodwin Procter LLP v. GAYLE FANDETTI*, FA 1738231 (FORUM Aug. 8, 2017) (Where "Respondent has used the name to pass themselves off as an employee of the Complainant in an attempt to commit fraud by redirecting a legitimate wire of funds", the Panel concluded that "it cannot have been registered for a legitimate purpose.") Further, evidence of a domain name not being used in connection with a *bona fide* offering of goods or services or for a legitimate noncommercial or fair use, under Policy ¶¶ 4(c)(i) and (iii), may be found where the domain name redirects users to a complainant's own website or where it resolves to a blank or an error page. See *Morgan Stanley v. Francis Mccarthy / Baltec Marine Llc*, FA 1785347 (FORUM June 8, 2018) ("both Domain Names resolve to a web site that shows the words, 'Not Found, The requested URL / was not found on this server.' Inactive holding of a domain name does not qualify as a *bona fide* offering of goods or services within the meaning of Policy ¶ 4(c)(i), or a legitimate non-commercial or fair use within the meaning of Policy ¶ 4(c)(iii)."); see also *Direct Line Ins. plc v. Low-cost-domain*, FA 1337658 (FORUM Sept. 8, 2010) ("The Panel finds that using Complainant's mark in a domain name over which Complainant has no control, even if the domain name redirects to Complainant's actual site, is not consistent with the requirements of Policy ¶ 4(c)(i) or ¶ 4(c)(iii) . . .") Here, Complainant has submitted a copy of an email sent from the address "legal@bytedance.support" and addressed to the office of the Governing Mayor of Berlin, Germany. The message reads, in large part, "The founder of Bytedance Ltd, Mr. Zhang Yiming, is coming to Berlin because he intends to invest in Berlin commercial real estate. We politely asked if a meeting with the mayor could be organized". It is signed by "Ding Li, ByteDance Ltd. -legal representative-". Further, Complainant has submitted into evidence a screenshot of a link redirect trace showing that the Disputed Domain Name automatically redirected users to Complainant's own website. More recently, the Disputed Domain Name resolves to a page displaying the message "This site can't be reached" and a screenshot of this page is also provided. In light of these facts and evidence, the Panel finds that Complainant has set out a *prima facie* case of phishing and attempted fraud which has not been rebutted by Respondent. As such, the Panel finds no ground upon which to hold that Respondent is using the domain name in connection with a *bona fide* offering of goods or services or that it is making a legitimate noncommercial or fair use thereof under Policy ¶¶ 4(c)(i) and (iii).

C) Bad Faith

Complainant asserts that Respondent registered the disputed domain name with actual knowledge of Complainant's rights in the BYTEDANCE mark. Actual knowledge can provide a solid foundation upon which to build an argument of bad faith registration under Policy ¶ 4(a)(iii) and can be demonstrated based on the reputation of the asserted mark as well as the use to which a disputed domain name is put. See *AutoZone Parts, Inc. v. Ken*

Belden, FA 1815011 (FORUM Dec. 24, 2018) (“Complainant contends that Respondent’s knowledge can be presumed in light of the substantial fame and notoriety of the AUTOZONE mark, as well as the fact that Complainant is the largest retailer in the field.”) *See also WordPress Foundation v. mich delorme / mich d dots tlds*, FA 1584295 (FORUM, Nov. 25, 2014) (“Because Respondent here relies on the WORDPRESS mark in the disputed domain name and also makes use of Complainant’s services at the resolving page, the Panel finds that Respondent had actual knowledge of Complainant’s mark, and that such knowledge evidences Policy ¶ 4(a)(iii) bad faith.”) Complainant states that its “BYTEDANCE trademark [is] known internationally” and notes that Respondent’s use of phishing emails and its initial redirection of the Disputed Domain Name to Complainant’s own website shows that “Respondent has demonstrated a knowledge of and familiarity with Complainant’s brand and business”. To support its assertions, Complainant submits into evidence screenshots from its own website detailing its business, copies of a few news stories about its mark, and a web analytics page showing that its <bytedance.com> website gets millions of visitors each month. Also submitted are copies of a phishing email from Respondent and a link redirect trace from the <bytedance.support> domain name. The Panel finds that this evidence is convincing and that it is a near certainty that Respondent had actual knowledge of Complainant’s rights in the mark at the time that it registered the Disputed Domain Name. *See Orbitz Worldwide, LLC v. Domain Librarian*, FA 1535826 (FORUM Feb. 6, 2014) (“the Panel here finds actual knowledge through the name used for the domain and the use made of it.”) Based upon this evidence, the Panel finds that the Disputed Domain Name was registered in bad faith.

Next, Complainant asserts that Respondent registered and is using the Disputed Domain Name in bad faith through its use of the above-mentioned email phishing scheme, website redirect, and website non-resolution. Using a confusingly similar domain name to impersonate a complainant as part of a phishing scheme strongly signals the existence of bad faith per Policy ¶¶ 4(b)(iii) and/or (iv). *See Chevron Intellectual Property, LLC v. Jack Brooks*, FA 1635967 (FORUM Oct. 6, 2015) (finding that Respondent’s use of <chevron-corps.com> to impersonate an executive of Complainant in emails is in opposition to Complainant and is therefore in bad faith under Policy ¶ 4(b)(iii)). *See also EOG Resources, Inc. v. Host Master / 1337 Services LLC*, FA 2065425 (FORUM Nov. 8, 2023) (“Respondent is using the Disputed Domain Name for the purposes of sending fraudulent emails purporting to impersonate Complainant and one of its named senior employees, for the purposes of phishing allows this Panel to find that the Disputed Domain Name is being used in bad faith.”) Further, prior decisions have found bad faith where a domain name is either inactively held or redirects users to a complainant’s own website. *See Verizon Trademark Servs. LLC v. Boyiko*, FA 1382148 (FORUM May 12, 2011) (“The Panel finds that Respondent’s registration and use of the confusingly similar disputed domain name, even where it resolves to Complainant’s own site, is still registration and use in bad faith pursuant to Policy ¶ 4(a)(iii).”); *see also Dermtek Pharmaceuticals Ltd. v. Sang Im / Private Registration*, FA 1522801 (FORUM Nov. 19, 2013) (holding that because the respondent’s website contained no content related to the domain name and instead generated the error message “Error 400- Bad Request,” the respondent had registered and used the disputed domain name in bad faith pursuant to Policy ¶ 4(a)(iii)). Here, Complainant provides a copy of a phishing email sent from the address “legal@bytedance.support” and addressed to the office of the Governing Mayor of Berlin, Germany claiming that the founder of Complainant’s company seeks a meeting relating to an investment in real estate. It has also submitted evidence showing the initial redirection of the Disputed Domain Name to Complainant’s own website and the subsequent failure to resolve to any web content. Based

on this, the Panel finds support for Complainant's arguments and that the Disputed Domain Name was registered and used in bad faith under Policy ¶ 4(b)(iv) and Policy ¶ 4(a)(iii).

6. Decision

The Complainant has proved its case. It has a registered trademark for the BYTEDANCE brand to which the contested domain name is identical or confusingly similar. The Respondent has provided no evidence showing rights or legitimate interest in the Disputed Domain Name and the Complainant has shown that the Respondent registered and uses the Disputed Domain Name in bad faith.

For the foregoing reasons and in accordance with Paragraph 4 of the Policy, the Panel concludes that the relief requested by the Complainant be granted and orders that the Disputed Domain Name <bytedance.support> be transferred to the Complainant Bytedance Ltd.

Steven M. Levy

Steven M. Levy, Esq.
Panelist

Dated: February 24, 2024