



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2401902</b>
<b>Complainant:</b>	<b>TikTok Ltd.</b>
<b>Respondent:</b>	<b>soubick das and Anmol Sharma</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;tiktok18plus.net&gt;, &lt;tiktok18x.com&gt;</b>

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**1. The Parties and Contested Domain Name**

The Complainant is TikTok Ltd., of Grand Pavilion, Hibiscus Way, 802 West Bay Road, Grand Cayman, KY1 - 1205, Cayman Islands.

The Respondent 1 is soubick das, of 34/4 Mid road, Kolkata, West Bengal, IN.

The domain name at issue is <tiktok18plus.net>, registered by Respondent 1 with Squarespace Domains LLC, of 225 Varick Street, New York 10014, United States of America.

The Respondent 2 is Anmol Sharma, of rma, Opp balaji mandir road, Kolkata, West Bengal, IN.

The domain name at issue is <tiktok18x.com>, registered by Respondent 2 with GoDaddy.com, LLC, of 2155 E GoDaddy Way, Tempe AZ 85284, United States.

**2. Procedural History**

On 31 July 2024, the Complainant submitted a Complaint to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC) by email and elected this case to be dealt with by a single-member Panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) approved by the Internet Corporation for Assigned Names and Numbers (ICANN), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by the ADNDRC.

On 1 August 2024, the Hong Kong Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint.

On 1 August 2024, the Hong Kong Office sent to the Registrar Squarespace Domains LLC by email a request for registrar verification in connection with the Disputed Domain Name <tiktok18plus.net>. On the same day, the Registrar confirmed by email that it is the registrar of the Disputed Domain Name that was registered by the Respondent 1, providing the information of the Respondent 1; and further confirming the language of the registration agreement for the Disputed Domain Name is English.

On 2 August 2024, the Hong Kong Office notified the Complainant to revise its Complaint based on the information provided by the Registrar. On 7 August 2024, the Complainant submitted a revised Complaint to the Hong Kong Office, and included a newly added Domain Name <tiktok18x.com> to the complaint.

On 7 August 2024, the Hong Kong Office sent a request to the Registrar GoDaddy.com, LLC by email regarding registrar verification in connection with the Disputed Domain Name <tiktok18x.com>. On 8 August 2024, the Registrar responded by email that it is the registrar of the Disputed Domain Name that was registered by the Respondent 2, providing the WHOIS information of the Respondent 2; and further confirming the language of the registration agreement for the Disputed Domain Name is English.

On 8 August 2024, the Hong Kong Office notified the Complainant the information provided by the Registrar regarding the Domain Name <tiktok18x.com>. On 14 August 2024, the Complainant submitted the revised complaint.

On 14 August 2024, the Hong Kong Office notified the Complainant that the Complaint has been confirmed and the case officially commenced. On the same day, the Hong Kong Office sent to the Respondent 1 and Respondent 2 by email a Written Notice of the Complaint, which informed the two Respondents that the Complainant had filed a Complaint against the two Disputed Domain Names, and requesting Responses to the Hong Kong Office within 20 days from 14 August 2024 (on or before 3 September 2024), according to the Rules and the ADNDRC Supplemental Rules. On the same day, the ADNDRC Hong Kong Office notified ICANN and the two Registrars of the commencement of the proceedings.

The two Respondents failed to submit Responses within the specified time. The ADNDRC Hong Kong Office declared the Respondent's default on 4 September 2024. On the same day, the Hong Kong Office appointed Hao Yan as the sole panelist in this matter, and the Panelist received the file from the Hong Kong Office. A Decision for the dispute shall be rendered by the Panelist on or before 18 September 2024.

### **3. Factual Background**

#### **A. The Complainant**

The Complainant, TikTok Ltd., is an Internet technology company. It was launched in May 2017 and was reported as the world's most downloaded application in 2022. The authorized representative in this case is Paddy Tam of CSC Digital Brand Services Group AB.

#### **B. The Respondent**

The Respondent 1, soubick das, is the registrant of the Disputed Domain Name <tiktok18plus.net>, which was registered on April 28, 2023 and expires on April 28, 2025.

The Respondent 2, Anmol Sharma, is the registrant of the Disputed Domain Name <tiktok18x.com>, which was registered on July 15, 2022 and expires on July 15, 2025.

The Respondent 1 and Respondent 2 share the same email address, the same phone number and the same physical location (Kolkata, West Bengal, India), which indicates that the two Disputed Domain Name <tiktok18plus.net> and <tiktok18x.com> should under common control.

#### 4. Parties' Contentions

##### A. Complainant

The Complainant's contentions may be summarized as follows:

The Complainant, with its affiliate TikTok Information Technologies UK Limited is the owner of trademark registrations for TIK TOK/TIKTOK (hereinafter referred to as "TIKTOK") across various jurisdictions. In this case, the Complainant relies on the following registered trademarks:

TRADEMARK	JURISDICTION / TM OFFICE	REGISTRATION NUMBER	REGISTRATION DATE	CLASS/ES
TIK TOK	US / USPTO	5653614	Jan. 15, 2019	9, 38, 41, 42
TIKTOK (stylized) 	US / USPTO	5974902	Feb. 04, 2020	9, 38, 41, 42
TIKTOK	US / USPTO	5981212	Feb. 11, 2020	9, 38, 41, 42
TIKTOK	US / USPTO	6069518	June 2, 2020	45
TIK TOK	EU / EUIPO	017913208	Oct. 20, 2018	9, 25, 35, 42, 45
TIK TOK	WO / WIPO	1485318	Mar. 19, 2019	9, 25, 35, 38, 41, 42, 45
TIKTOK	IN / IP India	3960172	Jun. 1, 2019	16, 18, 20, 26, 41, 45
	IN / IP India	3853842	Dec. 7, 2018	35

TikTok is an internet technology company that enables users to discover a world of creative content platforms powered by leading technology. It was launched in May 2017 and became the most downloaded application in the US in October 2018. TikTok reached over a billion users worldwide in September 2021 and currently has over 1.5 billion users as of April 2023.

TikTok enables users to create and upload short videos. TikTok offers features such as background music and augmented reality effects, and users control which features to pair with the content of their self-directed videos. TikTok serves as a host for the content created by its users. Its services are available in more than 150 different markets, in 75 languages, and has become the leading destination for short-form

mobile video. TikTok has global offices including in Los Angeles, New York, London, Paris, Berlin, Dubai, Mumbai, Singapore, Jakarta, Seoul, and Tokyo.

In 2022, TikTok was the #1 most downloaded application in the US and globally, with 672 million 99 million downloads in the US and 672 million downloads globally. Since its launch in the Google Play Store, more than 1 billion users have downloaded the TikTok app. In the Apple App Store, the TikTok app is ranked “#1 in Entertainment” and #1 among all categories of free iPad apps. It is also one of Apple’s featured “Editors’ Choice” apps.

The Complainant also has a large internet presence through its primary website <tiktok.com>. According to the third-party web analytics website SimilarWeb.com, <tiktok.com> had a total of 2.2 billion million visitors in June 2024 alone, making it the 14th most popular website globally.

Complainant’s TIKTOK brand is well recognized and famous worldwide and in their industry. Complainant has made a significant investment to advertise and promote the Complainant’s trademark worldwide in media and the internet over the years. As a result of Complainant’s considerable investment of time, energy and resources in the advertising and promotion of its services under the TIKTOK mark, TIKTOK has become well known to the public and trade as identifying and distinguishing Complainant exclusively and uniquely as the source of the high services to which the TIKTOK mark is applied.

### **The Factual and Legal Grounds:**

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

Complainant is the owner of the TIKTOK trademark. The Disputed Domain Names fully capture Complainant’s TIKTOK trademark and simply adding the generic string “18 plus” also adding the number “18” and the letter “x” to the end of the trademark. The mere addition of these generic terms to Complainant’s trademark does not negate the confusing similarity between the Disputed Domain Names and the Complainant’s trademark.

Additionally, the Respondents’ use of the Disputed Domain Names contributes to the confusion. The Respondents are using the Disputed Domain Names to host websites that claims to be affiliated with the Complainant by brandishing the Complainant’s distinctive logo, trademark and colour scheme, in connection with the promotion of unauthorized apps called “TikTok18+”. This suggests that the Respondents intended the Disputed Domain Names to be confusingly similar to Complainant’s trademark as a means of furthering consumer confusion.

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

The Complainant has rights in the TIKTOK Trademarks. The Respondents are not sponsored by or affiliated with Complainant in any way. The Complainant has not given the Respondents permission to use Complainant’s trademarks in any manner, including in domain names. The Complainant has not licensed, authorized, or

permitted the Respondents to register domain names incorporating Complainant's trademark.

In the instant case, the Registrants "soubick das" and "Anmol Sharma", which do not resemble the Disputed Domain Names in any manner. It suggests that the Respondents are not commonly known by the Disputed Domain Names, and cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Names.

The Respondents are not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the Disputed Domain Names. The Respondents' inclusion of the Complainant's logo on the Disputed Domain Names' website is a direct effort to take advantage of the fame and goodwill that Complainant has built in its brand, and the Respondents are not only using the confusingly similar Disputed Domain Names, but also imitating the Complainant by displaying the Complainant's logo.

Further, the Disputed Domain Names are directing internet users to a mobile application which is promoted as featuring adult content. Numerous past Panels have held that use of a disputed domain name that is confusingly similar to a complainant's trademarks to link to a website featuring pornographic or adult content evinces a lack of legitimate rights or interests. It is not a bona fide offering of goods or services to use a domain name for commercial gain by attracting Internet users to third party sites offering sexually explicit and pornographic material, where such use is calculated to mislead consumers and tarnish the Complainant's mark. Moreover, such use also contravenes TikTok's Terms of Service, para. 5, which specifically prohibits "any material which is defamatory of any person, obscene, offensive, pornographic, hateful or inflammatory".

The Respondents registered the Disputed Domain Names on April 28, 2023 and July 15, 2022 respectively, which is significantly after Complainant's trademark registrations with the USPTO, EUIPO, WIPO and IP India, and also after the Complainant obtained its <tiktok.com> domain name in May 2018. Therefore, it is evident that the Disputed Domain Names carries a high risk of implied affiliation with the Complainant which cannot be considered a fair use of the Disputed Domain Names.

Therefore, the Complainant submits that the Respondents have no rights or legitimate interests in the Disputed Domain Names.

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

By registering domain names that incorporates Complainant's TIKTOK trademark in its entirety, the Respondents have created domain names that are confusingly similar to the Complainant's trademark, as well as its <tiktok.com> domain name. As such, Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business. Moreover, through the Respondents' use of the Disputed Domain Names to host websites that brandish the Complainant's logo, colour scheme and trademark, effectively claiming to be connected to, authorized by or affiliated with the Complainant, the Respondents have demonstrated actual knowledge of the Complainant's TIKTOK brand.

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 was registered.

The Respondents create a likelihood of confusion with the Complainant and its trademarks by claiming to offer services in connection with the Complainant’s own service. The content on the Disputed Domain Names refers directly to the Complainant’s TIKTOK brand throughout, and displays the Complainant’s logo, clearly intending to mimic the look and feel of the Complainant’s brand. Through this created affiliation with the Complainant, the Respondents seek unsuspecting internet users to engage with the content on the websites. Such use falls squarely under the Policy 4(b)(iv). The above-mentioned use “would invariably result in misleading diversion and taking unfair advantage of the Complainant’s rights” and amounts to bad faith use for the purposes of the Policy. As such, the Respondents are attempting to cause consumer confusion in a nefarious attempt to profit from such confusion. The impression given by the Disputed Domain Names and their websites would cause consumers to believe the Respondents are somehow associated with the Complainant when, in fact, they are not. The Respondents’ actions create a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Names, and the Respondents are thus using the fame of the Complainant’s trademarks to improperly increase traffic to the websites listed at the Disputed Domain Names for the Respondents’ own commercial gain. It is well established that such conduct constitutes bad faith.

The websites of the Disputed Domain Names offer an application for download that promotes sexually-explicit, pornographic content, which provides evidence of the Respondents’ bad faith registration and use of this domains.

The Complainant submits that although pornographic content is not prohibited, condemnation is directed at respondents that divert Internet users to such websites by fostering a belief that the domain names belong to, are associated with or connected to the Complainant. Bad faith under the Policy may very well arise where a domain name, which infringes on the mark of another by virtue of being identical or confusingly similar to that mark, is used by a respondent as an instrumentality to intentionally link and direct unsuspecting users, who seek information on a good or service associated with that mark, to a pornographic site instead. In such instances, those users would not be exposed to a respondent’s pornographic content but for that linkage. The Complainant, therefore, submits that the Respondents’ use of the Disputed Domain Names in this manner amounts to “porno-squatting”. This is a practice where confusion with a well-known trademark is used to divert unsuspecting internet users to a pornographic website for commercial purposes.

The Respondent 1, at the time of initial filing of the Complaint, had employed a privacy service to hide its identity for <tiktok18plus.net>, which past Panels have held serves as an indication of bad faith.

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

B. Respondent

The two Respondents have not filed any Response.

**5. Findings**

The ICANN Uniform Domain Name Dispute Resolution 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**

The Complainant has provided evidence of its trademark registrations (collectively referred to as "TIKTOK Trademark") and established its rights in the TIKTOK trademark.

The Disputed Domain Names are confusingly similar to the TIKTOK Trademark because they both incorporate the Complainant's entirety mark, namely the distinctive wording "TIKTOK", combined with:

- <tiktok18plus.net>: the generic term "18" and non-distinctive term "plus", and the gTLD ".net";
- <tiktok18x.com>: the generic term "18" and the letter "x", plus the TLD ".com".

These additional generic term, non-distinctive term and a letter "x" neither affect the attractive power of the Complainant's trademark, nor are sufficient to distinguish the Disputed Domain Names from the TIKTOK Trademark.

The confusing similarity between the Disputed Domain Names and the Complainant's trademarks is further supported by the contents of the Respondents' websites, featuring the Complainant's TIKTOK trademark and mimicking the Complainant's official website. Internet users might erroneously believe that the Disputed Domain Names are operated, sponsored or endorsed by the Complainant.

Therefore, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant's TIKTOK Trademark.

**B) Rights and Legitimate Interests**

The Respondents registered the Disputed Domain Names on April 28, 2023 and July 15, 2022 respectively, which are well after the Complainant's trademark registrations with the USPTO, EUIPO, WIPO and IP India, and also after the Complainant obtained its <tiktok.com> domain name in May 2018.

The TIKTOK trademark is well-known worldwide. The Disputed Domain Names are confusingly similar to the prior and well-known TIKTOK Trademark since they both incorporate such mark entirety, combined with a generic term and a non-distinctive term or a letter “x”. The Respondents have not been authorized by the Complainant to use the TIKTOK Trademark, whether in a domain name or otherwise.

There is no evidence to prove that the Respondents have been commonly known by the name or words now included in the Disputed Domain Names. The registrants (Respondents) of the Disputed Domain Names are identified as “soubick das” and “Anmol Sharma”, which do not resemble the Disputed Domain Names in any way.

The Respondents have not submitted any Responses and, thus, has failed to invoke any of the circumstances, which could demonstrate any rights or legitimate interests in the Disputed Domain Names.

The Complainant has demonstrated a prima facie case that the Respondents lack rights or legitimate interests in respect of the Disputed Domain Names. In absence of any relevant evidence from the Respondents to prove their rights or legitimate interests in respect of the Disputed Domain Names, the Panel finds the Respondent lacks rights or legitimate interests to the Disputed Domain Names.

### **C) Bad Faith**

The TIKTOK Trademark predates the registration of the Disputed Domain Names. The Complainant has provided evidence to prove that its TIKTOK Trademark is well-known over the world. The Disputed Domain Names are confusingly similar to the TIKTOK Trademark, because they contain the entire trademark, coupled with generic term, non-distinctive terms and a letter, which are immaterial to affect the recognizability of the Complainant's well-reputed trademarks. The Panel finds that the Respondents have registered the Disputed Domain Names with knowledge of, and intention to target the Complainant and to exploit the reputation of the Complainant's TIKTOK Trademark by diverting traffic away from the Complainant's official website.

The use of the Disputed Domain Names can be found in bad faith in view of the reproduction of the Complainant's trademark in the domains, and the contents of the Respondents' websites featuring the Complainant's TIKTOK Trademark and mimicking the Complainant's official website. Therefore, the Panel finds that, by using the Domain Names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the TIKTOK Trademark as to the source, sponsorship, affiliation, or endorsement of its web site or location or of a product or service on its web site or location.

The Panel also takes into account that the Respondents' registration and use of the Disputed Domain names for adult/pornographic content does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use of the Disputed Domain Names.

The Respondent 1 concealed its identity by using privacy or proxy service upon registration of the Disputed Domain Name <tiktok18plus.net>. Although the use of privacy or proxy service is not in and of itself an indication of bad faith, the

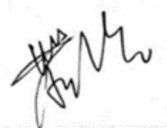


circumstances and the manner in which such service is used may however impact a panel's assessment of bad faith.

In light of the above, the Panel holds that the Disputed Domain Names have been registered and are being used in bad faith.

**6. Decision**

For the foregoing reasons, in accordance with Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders that the disputed domain names, <tiktok18plus.net> and <tiktok18x.com>, be transferred to the Complainant.



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Hao YAN  
Panelists

Dated: 14 September 2024