



Asian Domain Name Dispute Resolution Centre

hong kong

**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2401906</b>
<b>Complainant:</b>	<b>TikTok Ltd.</b>
<b>Respondent:</b>	<b>Ehtisham Raju</b>
<b>Disputed Domain Name(s):</b>	<b>&lt; tiktoc18.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 is Sumon Rana, of Emodian Technologies Near Girls degree college, Link Road Ga, Ghizer, Gilgit Baltistan / P 15200, Pakistan

The domain name at issue is < tiktoc18.com >, registered by Respondent with NameCheap, Inc., of 4600 East Washington Street, Suite 33, Phoenix AZ 85034, United States.

**2. Procedural History**

On August 7, 2024, the Complainant's representative submitted a Complaint in English language to the Hong Kong Office of Asian Domain Name Dispute Resolution Centre ("ADNDRC").

On August 8, 2024, ADNDRC transmitted by email to NameCheap, Inc. ("The Registrar") a request for registrar verification in connection with the Disputed Domain Name and to provide information thereof.

On August 8, 2024, ADNDRC transmitted by email the receipt of complaint to the Complainant's representative.

On August 8, 2024, the Registrar transmitted by email to ADNDRC confirming that the Respondent is the registrant of the Disputed Domain Names and providing the relevant particulars of the registrant.

On August 16, 2024, ADNDRC transmitted the Notification of Deficiencies to the Complainant's representative by email.

On August 21, 2024, the Complainant’s representative transmitted the revised Complaint to ADNDRC by email.

On August 22, 2024, ADNDRC transmitted the Confirmation of the administrative compliance of the Complaint to the Complainant’s representative by email.

On August 22, 2024, ADNDRC transmitted the Complaint to the Respondent by email and informed the Respondent of the 20-day period (on or before September 11, 2024) to file a Response.

On September 5, 2024, ADNDRC transmitted the Panelist Appointment Invitation to Mr. William Law. Mr. William Law accepted the appointment and confirmed that he can act independently and impartially during the course.

On September 7, 2024, the Respondent confirmed to ADNDRC receiving the Complaint and avers the followings:

“Hello, I have received a lot of complaints from TikTok LTD. Why do you send me complaints? My website is totally different from TikTok and does not take any kind of relationship from TikTok. If you have any further suffering then give a budget which I spend on this website. After that I will delete this website from google.”

On September 10, 2024, ADNDRC replied to the Respondent receiving its email of September 7, 2024, and reminded the Respondent to submit a Response before the deadline of September 11, 2024.

On September 12, 2024, ADNDRC informed the parties by email that the Respondent did not file a Response and thus in Default.


On September 13, 2024, ADNDRC informed the parties by email of the appointment of Mr. William Law as the sole panelist and the decision would be rendered on or before September 26, 2024

### 3. Factual background

The Complainant submits the below background:

The Complainant, TikTok Ltd. (“TikTok”), 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, and attached printouts of United States Patent and Trademark Office (“USPTO”), United Kingdom Intellectual Property Office (“UKIPO”), European Union Intellectual Property Office (“EUIPO”), World Intellectual Property Organization (“WIPO”) and Intellectual Property India (“IP India”), for these registrations, which demonstrate that the Complainant has spent a considerable amount of time and money protecting its intellectual property rights. These registrations are referred to hereafter as the “Complainant’s trademarks.” The trademarks relevant to this instant matter are:

TRADEMARK	JURISDICTION/ TM OFFICE	REGISTRATION NUMBER	REGISTRATION DATE	CLASSES
TIK TOK	US / USPTO	5653614	Jan. 15, 2019	9, 38, 41, 42

TIKTOK (stylized) <b>TikTok</b>	US / USPTO	5974902	Feb. 04, 2020	9, 38, 41, 42
TIKTOK	US / USPTO	5981212	Feb. 11, 2020	9, 38, 41, 42
TIKTOK (stylized) <b>TikTok</b>	US / USPTO	5981213	Feb. 11, 2020	9, 38, 41, 42
TIKTOK (stylized) <b>TikTok</b>	US / USPTO	6847032	Sep. 13, 2022	35
TIKTOK	US / USPTO	6069518	June 2, 2020	45
TIK TOK	UK / UKIPO	00917891401	Nov. 29, 2018	9, 38, 41
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
TIK TOK	IN / IP India	3960172	Jun. 1, 2019	16, 18, 20, 26, 41, 45
	IN / IP India	3853842	Dec. 07, 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.

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 2.3 billion million visitors in the three-month period between June and August 2023, making it the 14th most popular website globally and 21st most popular website in the United States.

Complainant's TIKTOK brand is well recognized and famous worldwide and in their industry. Complainant has made 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 Respondent is Sumon Rana, of Surjoddi Bazar, Sherpur, Mymensingh 2100, BD. The Disputed Domain Name was registered by the Respondent on December 12, 2023.

#### **4. Parties' Contentions**

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

The Complainant's contentions may be summarized as follows:

The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights:

- i. By virtue of its trademark and service mark registrations shown, Complainant is the owner of the TIKTOK trademark, and is not required to register its marks within the country of the respondent in order to protect its rights in those marks;
- ii. The applicable Top Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and should not be taken into account when comparing a Disputed Domain Name to Complainant's trademarks;
- iii. The Disputed Domain Name is a purposeful misspelling of Complainant's TIK TOK trademark and must be considered confusingly similar to the Complainant's trademark, as the Disputed Domain Name varies from Complainant's trademark by only one letter the Respondent has removed the letter "k" and replaced it with the letter "c";
- iv. The Disputed Domain Name differs from Complainant's trademark by just one letter, and the addition of the number "18", Respondent's domain must be considered a prototypical example of typosquatting, and should not prevent a finding of confusing similarity;
- v. The Respondent is using the Disputed Domain Name to host a website that claims to be affiliated with the Complainant's brand by brandishing the Complainant's distinctive logo, trademark and colour scheme, which suggests that Respondent intended the Disputed Domain Name to be confusingly similar to Complainant's trademark as a means of furthering consumer confusion, and should be taken into consideration in evaluating confusing similarity;

The Respondent has no rights or legitimate interests in respect of the domain name:

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

- ii. The Respondent is not sponsored by or affiliated with the Complainant in any way and the Complainant has not given Respondent permission to use the Complainant's trademarks in any manner, including in domain names;
- iii. The Respondent is not commonly known by the Disputed Domain Name, which evinces a lack of rights or legitimate interests;
- iv. The Registrant is "Ehtisham Raju", which does not resemble the Disputed Domain Name in any manner, and cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Name;
- v. The Respondent at the time of filing the complaint was using a privacy WHOIS service, which should be found to equate to a lack of legitimate interest;
- vi. The Respondent is not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the Disputed Domain Name. The Respondent's inclusion of the Complainant's logo on the Disputed Domain Name's website is a direct effort to take advantage of the fame and goodwill that the Complainant has built in its brand, and the Respondent is not only using the confusingly similar Disputed Domain Name but is also imitating the Complainant by displaying the Complainant's logo, which amounts to passing off;
- vii. The Respondent is using the Disputed Domain Name to direct internet users to a website that offers an app called "TikTok 18+", which is promoted as featuring adult content, and evinces a lack of legitimate rights or interests. Such use also contravenes TikTok's Terms of Service of prohibition of pornographic material;
- viii. The Disputed Domain Name invites visitors to download an application. Such use has the characteristics of malware. As such, Respondent likely uses the Disputed Domain Name to spread malware or viruses to internet users visiting the website by inviting them to download software under the pretense that this is provided by the Complainant themselves. Such evinces Respondent's lack of rights or legitimate interests in the Disputed Domain Name;
- ix. Respondent registered the Disputed Domain Name on December 12, 2023, which is significantly after Complainant filed for registration of its TIKTOK trademark with USPTO, UKIPO, EUIPO, WIPO and IP India, and significantly after 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. Therefore, it is evident that the Disputed Domain Name carries a high risk of implied affiliation with the Complainant which cannot be considered a fair use of the Disputed Domain Name;
- x. the Respondent's use of the Disputed Domain Name that the sole intention is to mislead internet users as to its affiliation with the Complainant and to trade off the Complainant's rights and reputation by appearing to offer services in connection to the Complainant. Nothing on the website hosted on the Domain Name indicates to online users that the Disputed Domain Name is not affiliated with the Complainant, and hence has no rights or legitimate interests in the Disputed Domain Name.

The disputed domain name has been registered and is being used in bad faith:

- i. The Complainant and its 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 Respondent's registration of the Disputed Domain Name on December 20, 2023;

- ii. By registering a domain name that is a one letter typo of the Complainant's trademark in conjunction with the number 18, Respondent has created a domain name that is confusingly similar to Complainant's trademark, as well as its <tiktok.com>. As such, Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business;
- iii. The Respondent's selection of a domain name so obviously connected to a Complainant's mark, that use by the Respondent with no affiliation with the Complainant, strongly suggests 'opportunistic bad faith'. The Respondent's use of the Disputed Domain Name further indicates their knowledge and intention in regard to the Complainant's brand;
- iv. 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 Name was registered. TIKTOK is so closely linked and associated with Complainant that Respondent's use of this mark, or any minor variation of it, strongly implies bad faith;
- v. Respondent creates a likelihood of confusion with Complainant and its trademarks by claiming to offer services in connection with the Complainant's own service. The content on the Disputed Domain Name refers directly to the Complainant's TIKTOK brand throughout, through use of the Complainant's logo, trademark and black, blue and pink colour scheme clearly intended to mimic the look and feel of the Complainant's brand. Through this created affiliation with the Complainant, the Respondent seeks unsuspecting internet users to engage with the content on the website. Such conduct constitutes bad faith;
- vi. The Respondent is attempting to cause consumer confusion in a nefarious attempt to profit from such confusion. The impression given by the Disputed Domain Name and its website would cause consumers to believe the Respondent is somehow associated with the Complainant when, in fact, it is not. The Respondent's actions create a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name, and the Respondent is thus using the fame of the Complainant's trademarks to improperly increase traffic to the website listed at the Disputed Domain Name for Respondent's own commercial gain;
- vii. the Respondent's use of the Disputed Domain Name constitutes a disruption of the Complainant's business and qualifies as bad faith registration and use because the Respondent's domain name is confusingly similar to the Complainant's trademarks and the website at the Disputed Domain Name is being used to offer services in connection to the Complainant without the Complainant's authorization or approval;
- viii. The website of the Disputed Domain Name offers an application that promotes sexually-explicit, pornographic content, which provides evidence of the Respondent's bad faith registration and use of this domain;
- ix. 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 name belongs to, is associated with or connected to the Complainant, and the Respondent's use of the Disputed Domain Name in this manner amounts to "porno-squatting";
- x. The Disputed Domain Name can only be taken as intending to cause confusion among internet users as to the source of the Disputed Domain Name, and thus, the Disputed Domain Name must be considered as having been registered and used in bad faith with no good faith use possible. More specifically, where the

Disputed Domain Name comprises the Complainant's trademark in its entirety and is used to host a website that blatantly claims to be affiliated with or connected to the Complainant, there is no plausible good-faith reason or logic for the Respondent to have registered the Disputed Domain Name;

- xi. On 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 Name in bad faith.

**B. Respondent**

The Respondent has merely replied to ADNDRC averring that "My website is totally different from TikTok and does not take any kind of relationship from TikTok." And has not filed any Response within the prescribed time.

**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 submitted records of registration of multiple variations of the trademark "TIKTOK" in numerous jurisdictions since 2018. The Complainant also submitted evidence demonstrating the popularity and recognition of its application "TikTok". In view of this, the Panel finds that the Complainant has obtained rights to the trademark "TIKTOK" through substantive registration and actual use.

It is the trite practice to disregard the generic Top-Level Domain ("gTLD") ".com" when considering the similarity since it is a technical registration requirement. Hence, the distinctive part of the Disputed Domain Name is "tiktoc18". The letters "tiktoc" differs from the Complainant's mark "TIKTOK" by only one letter by substituting the letter "k" to "c". In particular, the Panel finds that the Disputed Domain Name is particularly confusingly similar to the Complainant's mark aurally, as the pronunciation of "TIKTOK" and "tiktoc" are highly similar. The addition of the letters "18" does not generate a distinctive meaning and does not dispel the overall impression of similarity, as the mark "TIKTOK" itself is a non-dictionary word.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademarks.

**B) Rights and Legitimate Interests**

The Complainant, as the registrant of the "TIKTOK" trademark registrations, submitted that it has no relationship with the Respondent and had never given the

Respondent permission to use “TIKTOK” or to register a domain name or part of a domain name of the Complainant’s behalf.

Under the ICANN Policy Paragraph 4c, the Respondent should demonstrate his rights or legitimate interest by showing circumstances such as:

(i) before any notice to you of the dispute, your 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) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial 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 Panel accepts that the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests, and the burden of showing such is shifted to the Respondent. Since the Respondent defaulted in contesting the Complainant’s allegations, with no evidence to the contrary, the Panel accepts the Complainant’s submissions that:

(1) the Respondent’s name has no connection with the term “tiktok18”;

(2) the Respondent should have knowledge about the Complainant and the mark “TIKTOK”, as the registration date of the Disputed Domain name is significantly after the Complainant’s trademark applications, first use of the Complainant’s trademarks, and the registration date of the Complainant’s website <tiktok.com>;

(3) the Respondent had included the Complainant’s logo on the Disputed Domain Name’s website and should be considered as a direct effort to take advantage of the fame and goodwill that the Complainant has built in its brand, and hence passed off the Complainant.

The Panel is therefore satisfied that the Respondent has no rights or legitimate interest to register and use the Dispute Domain Names.

### **C) Bad Faith**

Under the ICANN Policy Paragraph 4b, the Panel may find evidence of the registration and use of a domain name in bad faith if the following circumstances are present:

(i) circumstances indicating that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or



(ii) you have 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 you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your web site or location or of a product or service on your web site or location.

Based on the information and the evidence provided by the Complainant, the Panel finds that at the time of registration of the Domain Name, the Respondent was or should have been aware of the Complainant's "TIKTOK" marks. As the Respondent has not provided reasons to show the contrary, the Panel is deemed to draw the conclusion that the Respondent was aware of the Complainant and its "TIKTOK" trademark at the time of registration of the disputed domain name and deliberately chose to register it as part of the disputed domain name in bad faith.

The website of the disputed domain name invites visitors to download an application "TikTok 18+". The contents on the website includes:

"TikTok is the most popular social media platform which garnered massive users based on worldwide. Actually, it is known for its short videos, stories, popular and creative content. The best thing about TikTok is that it caters to a diverse audience. If you are a lover of short and romantic videos, then TikTok is the best option for you. It will make users fully entertained and comfortable. In some countries, TikTok is banned or not yet available. If yes, then don't worry because here we provide a TikTok modified version named TikTok 18 APK that works similarly to the original app. It is available worldwide, so you can use it without any doubt or hesitation."

TikTok 18+ APK

Download TikTok 18+ APK Latest Version from our official website, it is a modified version of the original TikTok that is specially developed for adult users. So, Download TikTok 18+ APK from the below download link.



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Version: 1.8.1 | Size: 25 MB

About TikTok 18+ APK

TikTok is the most popular social media platform which garnered massive users based on worldwide. Actually, it is known for its short videos, stories, popular and creative content. The best thing about TikTok is that it caters to a diverse audience. If you are a lover of short and romantic videos, then TikTok is the best option for you. It will make users fully entertained and comfortable. In some countries, TikTok is banned or not yet available. If yes, then don't worry because here we provide a TikTok modified version named TikTok 18 APK that works similarly to the original app. It is available worldwide, so you can use it without any doubt or hesitation.

The TikTok 18+ APK will fulfill you all your cravings and make you fresh anytime. Nowadays, everyone looking for short videos to get entertained from them. If you are one of them, then this APK is the best option for you. In this app, you can also create your own videos by adding filters, songs, effects, templates and many more. You can viral your videos by adding different tags and tricks. Nowadays, TikTok is temporarily banned in some countries, so download TikTok 18+ APK. With this app, you won't have to look for other further alternatives.

The website is clear evidence that the Respondent is aware of the Complainant's marks and related services. In fact, the Respondent is expressly stating to provide "a TikTok modified version named TikTok 18 APK that works similarly to the original app.". Hence, the Panel is satisfied that by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website 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 its website or location or of a product or service on its website or location. Thus, it is the Panel's view that the disputed domain name has been registered and is being used in bad faith.

6. Decision

In conclusion, the Complainant has satisfied all the 3 grounds laid down in Article 4(b) of the ICANN Policy. I therefore order that the Dispute Domain Names < tiktoc18.com > be transferred to the Complainant.

Mr. William Law  
Sole Panelist

Dated: 26/9/2024