



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401912
Complainant:	TikTok Ltd.
Respondent:	tran khai
Disputed Domain Name(s):	< tik18.live >

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 tran khai, of Duc Ly - Ly Nhan - Ha Nam , Ha Noi, Phu Ly, Ha Nam 400000 Viet Nam.

The domain name at issue is < tik18.live >, registered by Respondent with NameCheap, Inc., of 4600 East Washington Street Suite 300, Phoenix, AZ 85034, United States.

2. Procedural History

On 21 August 2024, the Complainant submitted a Complaint to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC) and elected this case to be dealt with by a single-member Panel by email 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 21 August 2024, the Hong Kong Office sent the Complainant an acknowledgment of the receipt of the Complaint by email.

On 21 August 2024, the Hong Kong Office sent to the Registrar NameCheap, Inc. by email a request for registrar verification in connection with the Disputed Domain Name < tik18.live >. 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, providing the information of the Respondent; and further confirming the language of the registration agreement for the Disputed Domain Name is English.

On 26 August 2024, the Hong Kong Office notified the Complainant to correct the information on the coversheet to reflect the date upon which the Supplemental Rules were

updated, and to revise its Complaint based on the information provided by the Registrar. On 27 August 2024, the Complainant submitted a revised Complaint to the Hong Kong Office.

On 28 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 by email a Written Notice of the Complaint, which informed the Respondent that the Complainant had filed a Complaint against the Disputed Domain Names, requesting Responses to the Hong Kong Office within 20 days from 22 August 2024 (on or before 17 September 2024), according to the Rules and the ADNDRC Supplemental Rules. The Respondent failed to submit Responses within the specified time. The ADNDRC Hong Kong Office declared the Respondent's default on 19 September 2024. On the same day, the Hong Kong Office appointed Hanhui Sun 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 3 October 2024.

3. Factual background

A. The Complainant

The Complainant, TikTok Ltd., is an Internet technology company. It was launched in September 2016 and was reported as the most downloaded application in the US in October 2018. The authorized representative in this case is Paddy Tam of CSC Digital Brand Services Group AB.

B. The Respondent

The Respondent, tran khai, is the registrant of the Disputed Domain Name <tik18.live>, which was registered on March 13, 2023 and expires on March 13, 2025.

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	CLASSES
TIK TOK	US / USPTO	5653614	Jan. 15, 2019	9, 38, 41, 42
TIKTOK (stylized) TikTok	US / USPTO	5974902	Feb. 04, 2020	9, 38, 41, 42
TIKTOK	US / USPTO	5981212	Feb. 11, 2020	9, 38, 41, 42
TIKTOK (stylized) TikTok	US / USPTO	5981213	Feb. 11, 2020	9, 38, 41, 42
TIKTOK (stylized)	US / USPTO	6847032	Sep. 13, 2022	35

TikTok				
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

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 September 2016 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 billion active monthly users globally as of March 2024.

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 headquarters in Los Angeles and Singapore, and its offices include New York, London, Dublin, Paris, Berlin, Dubai, Jakarta, Seoul, and Tokyo.

In 2022, TikTok was the #1 most downloaded application in the US and globally, with 672 million downloads in the US and 3.5 billion 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 July of 2024, 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 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 name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

Complainant is the owner of TIK TOK trademarks. The Disputed Domain Name <tik18.live> incorporates Complainant’s TIKTOK trademark. The term “tik” is simply an abbreviation of Complainant’s TIKTOK trademark, which was registered in 2018, significantly before the

Disputed Domain Name was registered. The Disputed Domain Name can be considered as capturing Complainant's TIKTOK trademark and simply adding the generic term "18" to the end of the abbreviation of the trademark. The addition of generic or descriptive terms is not sufficient to overcome a finding of confusing similarity.

Additionally, Respondent's use of the Disputed Domain Name contributes to the confusion. Respondent is using the Disputed Domain Name to host a website that claims to be affiliated with the Complainant by brandishing the Complainant's distinctive logo, trademark and color scheme, in connection with the promotion of an unauthorized app called "TikTok18+" while redirecting visitors to adult content. This suggests that Respondent intended the Disputed Domain Name to be confusingly similar to Complainant's trademark as a means of furthering consumer confusion.

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

Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, Complainant has not given Respondent permission, authorization or license to use Complainant's trademark in any manner, including in domain names.

In the instant case, the pertinent Notice of Registrant information identifies the Registrant as "tran khai", which does not resemble the Disputed Domain Name in any manner. It suggests that Respondent is not commonly known by the Disputed Domain Name, then Respondent cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Name.

Respondent is not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the Disputed Domain Name. 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 Complainant has built in its brand, and Respondent is not only using the confusingly similar Disputed Domain Name but is also imitating Complainant by displaying the Complainant's logo.

Respondent is using the Disputed Domain Name to direct internet users to a website that purports to offer an app called "TikTok 18+", but instead redirects visitors to a website featuring adult content when they attempt to visit the relevant app store. 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.

Respondent registered the Disputed Domain Name on March 13, 2023, which is significantly after Complainant filed for registration of its TIKTOK trademark with USPTO, UKIPO, EUIPO, and WIPO, and significantly after Complainant's first use in commerce of its trademark in 2016. The Disputed Domain Name's registration date is also after the Complainant obtained its <tiktok.com> domain name in May 2018.

Therefore, the Complainant submits that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

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

The Complainant and its TIK TOK trademark are known internationally, with trademark registrations across numerous countries. The Complainant has marketed and sold its goods and services using this trademark since 2016, which is well before Respondent's registration of the Disputed Domain Name on March 13, 2023. By registering a domain name that is an abbreviation 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> domain name. As such, Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business. Moreover, the Respondent's use of the Disputed Domain Name further indicates their knowledge and intention in regard to the Complainant's brand.

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 color scheme clearly intended to mimic the look and feel of the Complainant's brand. The impression given by the Disputed Domain Name and its website would cause consumers to believe the Respondent is somehow associated with Complainant when, in fact, it is not. 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.

The Respondent's use of the Disputed Domain Name constitutes a disruption of Complainant's business and qualifies as bad faith registration and use because Respondent's domain name is confusingly similar to Complainant's trademarks and the website at the Disputed Domain Name is being used to offer services in connection to the Complainant without Complainant's authorization or approval.

The website of the Disputed Domain Name offers an application that promotes sexually-explicit, pornographic content, which provides evidence of Respondent's bad faith registration and use of this domain. Complainant submits that although pornographic content is not prohibited, condemnation is directed at respondent 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.

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 pursuant to Policy ¶ 4(b)(iv), with no good faith use possible.

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

B. Respondent

The Respondent has 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

Pursuant to Paragraph 4(a)(i) of the Policy, the Complainant must prove that a disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has provided evidence of its trademark registrations and established its rights in the TIKTOK trademarks (Refer to Complainant's Annex 1).

The Disputed Domain Name and the Complainant's mark are structurally similar in that they can both be split into two parts. The Disputed Domain Name includes the first half and dominant feature of the TIKTOK mark as its initial element (i.e., "TIK"), and replaces the second half of the mark (i.e., "TOK") with the term "18". The term "18" here is merely generic and thus is not sufficient to affect the attractiveness of the Complainant's marks. Therefore, given that a dominant feature of the TIKTOK mark is recognizable within the Disputed Domain Name, the Disputed Domain Name may be considered confusingly similar for the purposes of standing under the first element of paragraph 4(a) of the Policy.

Further, the Panel notes that the Disputed Domain Name resolves to a website page that displays the TIKTOK trademark and offers to download another program similar to the Complainant's application, "TIKTOK 18", which confirms that the Respondent is seeking to target the TIKTOK trademark through the Disputed Domain Name. Internet users may erroneously believe that the Disputed Domain Name is operated by, or associated with the Complainant.

The Disputed Domain Name includes a Top-Level Domain ".live", which is normally disregarded in the comparison between a disputed domain name and a trademark for the purposes of the first element of the Policy.

Therefore, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's TIKTOK trademarks. The Complainant has satisfied the first element in paragraph 4(a) of the Policy.

B) Rights and Legitimate Interests

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the Panel, shall demonstrate that the Respondent has rights to,

or legitimate interests in, a disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy:

(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.

Based on the evidence presented, the Panel finds that the Respondent is not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the Disputed Domain Name. The Disputed Domain Name resolves to a website that displays the Complainant's logo and offers an application named "TIKTOK 18" (Refer to Complainant's Annex 3). By clicking the "download" button on the website, visitors are redirected to a website featuring adult content. In the Panel's view, this evidence constitutes a prima facie case that the Disputed Domain Name is not being used in connection with a bona fide offering of goods or services and that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name.

Respondent is not sponsored by or affiliated with Complainant, and the Complainant has not given Respondent permission, authorization, or license to use Complainant's trademark in any manner, including in domain names.

The pertinent Notice of Registrant information identifies the Registrant as "tran khai", which does not resemble the Disputed Domain Name in any manner. There is no evidence indicating that the Respondent has been commonly known by the name or words now included in the Disputed Domain Names.

In summary, the Panel considers that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Respondent has not submitted any Responses and, thus, has failed to rebut the prima facie case.

Therefore, the Complainant has satisfied the second element in paragraph 4(a) of the Policy.

C) Bad Faith

Paragraph 4(b) of the Policy provides that certain circumstances shall be evidence of the registration and use of a domain name in bad faith. The fourth of these is as follows:

(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.

The Respondent registered the Disputed Domain Name on March 13, 2023, after the Complainant's trademark registrations in various jurisdictions. The Complainant has proved that its TIKTOK Trademarks are known internationally. Given the considerable efforts in promoting its services under the TIKTOK mark (Refer to Complainant's Annex 5-8), the Panel accepts that the TIKTOK trademarks are highly distinctive and that a clear and highly relevant relationship has been formed between the Complainant and the TIKTOK marks. At the time the Disputed Domain Name was registered, the Complainant's TIKTOK services had already become one of the most popular video-sharing social networking services globally. There is no doubt that the Respondent was aware of the Complainant and its TIKTOK trademark when he registered the Disputed Domain Name.

The Disputed Domain Name incorporates the initial and dominant feature of the TIKTOK trademark as its initial element with a generic term "18". A dominant component of the Complainant's TIKTOK trademark is recognizable in the Disputed Domain Name, showing a confusing similarity to the Complainant's trademarks. The Disputed Domain Name resolves to a website that displays the Complainant's TIKTOK logo and offers an application imitating the Complainant's TIKTOK application (Refer to Complainant's Annex 3). Thus, the Panel finds that the Respondent has knowledge of the Complainant's trademarks and registered the Disputed Domain Names with the intent to target and create a likelihood of confusion to the Complainant's brand and business.

The Respondent's use of the Disputed Domain Name further indicates its bad faith. The Disputed Domain Name captures the initial and dominant feature of the Complainant's trademarks. The content on the Disputed Domain Name's website refers directly to the Complainant's TIKTOK brand. The Complainant's TIKTOK logo is clearly shown in the upper left corner of the Respondent's webpage. The Respondent's website offers for download an application called "TIKTOK 18", which is very similar in name and design to the Complainant's TIKTOK application. These circumstances indicate that the Respondent is intended to mimic the Complainant (Refer to Complainant's Annex 3). Thus, the website the Disputed Domain Name resolves constitutes a false impression to internet users that it belongs to, is affiliated, or is associated with the Complainant. Given the circumstances mentioned above, the Panel finds that the Respondent is using the Disputed Domain Name intentionally to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or of a service on the Respondent's website, within the terms of paragraph 4(b)(iv) of the Policy.

Moreover, the Respondent's website offers an application and diverts unsuspecting internet users to pornographic and adult content, demonstrating the Respondent's bad faith registration and use of the Disputed Domain Name.

Therefore, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith. The Complainant has satisfied the third element in paragraph 4(a) of the Policy.

6. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <tik18.live>, be transferred to the Complainant.

Hanhui Sun

Hanhui Sun
Panelists

Dated: 3 October 2024