



(Hong Kong Office)

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2401915</b>
<b>Complainant:</b>	<b>TikTok Ltd.</b>
<b>Respondent:</b>	<b>convertio best</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;tiktok18.today&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 convertio best, of Street 11 67 Gujranwala punjab 52250 Pakistan.

The domain name at issue is <tiktok18.today>, registered by Respondent with GoDaddy.com, LLC, of 100 S.Mill Ave, Suite 1600 Tempe, AZ 85281, United States.

**2. Procedural History**

On 23 August 2024, the Complainant filed a complaint with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“**the Centre**”).

On 26 August 2024, the Centre, by way of email, issued a New Case Notification to the Registrar, GoDaddy.com, LLC (“**the Registrar**”) and request the Registrar to provide necessary information in relation to the Disputed Domain Name.

On 27 August 2024, the Registrar confirmed, by way of email, that:

1. The domain name <tiktok18.today> is registered with the Registrar;
2. The respondent, Registration Private / Domains By Proxy, LLC, is not the registrant of the domain name(s);
3. The Uniform Domain Name Dispute Resolution Policy applies to the domain name(s);
4. The Whois information of the Disputed Domain Name is as follows:-  
Holder: convertio best  
Telephone number: +92.03018585662  
Email address: tahashk00@gmail.com

5. The Disputed Domain Name has been locked.

The Centre verified that the Complaint is in administrative compliance with the Uniform Domain Name Dispute Resolution Policy (“**Policy**”) and the Rules for ICANN Uniform Domain Name Dispute Resolution Policy (“**Rules**”).

On 5 September 2024, the Centre served the Respondent by forwarding to him, by email a Written Notice of Complaint together with the Complaint and the annexures thereto. The aforementioned notice stated that the date of commencement of the proceedings was 5 September 2024 and that the due date by which the Respondent was required to file his Response was 25 September 2024.

On 26 September 2024, the Centre, by way of email notified the parties that no response was filed by the Respondent within the required period of time.




On 30 September 2024, the Centre, by way of email, appointed Dr. Lewis Luk as the sole panelist for this case. The Panel finds that it was properly constituted. The Panel has submitted the acceptance notice as well as a statement of impartiality and independence.

On 30 September 2024, the Centre, by way of email, confirmed that Dr. Lewis Luk be appointed as the panelist and the panelist shall render his decision by 14 October 2024.

### 3. Factual background

#### For the Complainant

TikTok Ltd. (the “**Complainant**”), through its affiliates, is the owner of trademark registrations for TIK TOK/TIKTOK and its variants under intellectual property offices across various jurisdictions. The Complainant in the Annexes of this Complaint provides a collection of evidence of trademark registrations, use of the trademark registrations and the Complainant’s information, etc., demonstrating the Complainant’s extensive use of the trademark registrations as well as the effort and resources spent in protecting its intellectual property rights. The Complainant also provides a list of trademarks relevant to this instant matter as follows (hereinafter referred to as the “**Complainant’s trademarks**”):

TRADEMARK	JURISDICTION/ TM OFFICE	REGISTRATION NUMBER	REGISTRATION DATE	CLASSES
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 (stylized) 	US / USPTO	5981213	Feb. 11, 2020	9, 38, 41, 42
TIKTOK (stylized) 	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

The Complainant’s “TikTok” product 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 the 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 2.3 billion million visitors in July of 2024, making it the 14th most popular website globally.

The Complainant’s TIKTOK brand is well recognized and famous worldwide and in their industry. The 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 the 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 the Complainant exclusively and uniquely as the source of the high services to which the TIKTOK mark is applied.

**For the Respondent**

The Respondent registered the Disputed Domain Name on 8 October 2023.

**4. Parties’ Contentions**

The Complainant

The Complainant’s contentions may be summarized as follows:

- (a) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights:
  - (i) The Disputed Domain Name can be considered as capturing, in its entirety, Complainant’s TIKTOK trademark and simply adding the

generic number “18” to the end of the trademark. The mere addition of this generic number “18” to Complainant’s trademark does not negate the confusing similarity between the Disputed Domain Name and the Complainant’s trademark.

- (ii) 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 and trademark, in connection with the promotion of an unauthorized app called “TikTok18+”. This suggests that Respondent intended the Disputed Domain Name to be confusingly similar to Complainant’s trademark as a means of furthering consumer confusion.

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

- (i) The granting of registrations 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) 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.
- (iii) 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.
- (iv) The composition of the Disputed Domain Name invites visitors to download an application which potentially contains malware and viruses. Further, the Disputed Domain Name is directing internet users to a mobile application which is promoted as featuring adult content.
- (v) Respondent registered the Disputed Domain Name on October 8, 2023, which is significantly after Complainant filed for registration of its TIKTOK trademark and significantly after Complainant’s first use in commerce of its trademark in 2016.

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

- (i) By registering a domain name that incorporate Complainant’s TIKTOK trademark in its entirety, and simply adding the number “18” to the end of the trademark, 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.

- (ii) It has been accepted in past decisions that the selection of a domain name so obviously connected to a Complainant's mark, that use by someone with no affiliation with the Complainant, strongly suggests 'opportunistic bad faith'.
- (iii) 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.
- (iv) 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. As the Disputed Domain Name incorporates the Complainant's TIKTOK 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 Respondent to have registered the Disputed Domain Name.
- (v) 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.

### The Respondent

The Respondent's did not file a response in accordance with Article 5 of the Rules of Procedure.

## **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 Panel finds that the Complainant owns the TIKTOK trademarks, which are registered in various countries including the US, the UK and the EU. The Panel finds

that the Complainant's trademarks are fully incorporated into the Disputed Domain Name, which is substantially similar to the Complainant's trademarks and thus it is very likely to cause confusion to the public. The Complainant has fulfilled the first condition.

### **B) Rights and Legitimate Interests**

The Panel accepts that the confirmation by the Complainant that it has no connection with the Respondent, nor has authorized or consented to the Respondent to use the Complainant's trademarks or register the Disputed Domain Name. The Panel is of the view that the Respondent has therefore no rights or legitimate interests in respect of the Disputed Domain Name. The Complainant has fulfilled the second condition.

### **C) Bad Faith**

The Panel finds that the Respondent is taking unfair advantage of the goodwill and reputation associated with the Complainant's businesses and other Intellectual Property rights, and intentionally attempting to mislead consumers into believing that the Disputed Domain Name, the websites associated with it, and/or its businesses are licensed by, have an association with or are otherwise endorsed by the Complainant. The Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith. The Complainant has fulfilled the third condition.

## **6. Decision**

The Panel orders that the Disputed Domain Name <tiktok18.today> be transferred to the Complainant.



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Panelist: Dr. Lewis Luk MH, JP

Dated: 14 October 2024