



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401919
Complainant:	TikTok Ltd.
Respondent:	Muhammad Irfan Iqbal
Disputed Domain Name(s):	<tiktok18i.com>

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 Muhammad Irfan Iqbal of Mohallah Kalo Usman, Taunsa, Punjab 32100, Pakistan.

The domain name at issue is <tiktok18i.com>, registered by Respondent with NameCheap, Inc. of 4600 East Washington Street, Suite 300, Phoenix, AZ 85034, United States.

2. Procedural History

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) on 4 September 2024 in English language. The Complainant chose to have this case dealt with by a single-member panel. On 5 September 2024, the Centre transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On 5 September 2024, the Registrar transmitted by email to the Centre its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted) and contact information in the Complaint. The Centre sent an email communication to the Complainant on 16 September 2024 providing the registrant and contact information disclosed by the Registrar and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on 18 September 2024.

The Centre verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the ADNDRC Supplemental Rules to the ICANN Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Centre formally notified the Respondent of the Complaint, and the proceedings commenced on 20 September 2024. In accordance with the Rules, paragraph 5, the due date for Response was 10 October 2024. The Respondent did not submit a formal response but merely sent an email dated 9 October 2024 stating “Plz guide about this complain, that how can i resolve this issue to unlock my domain.”. Accordingly, the Centre notified the Respondent’s default on 14 October 2024.

The Centre appointed Peter Müller as the sole panellist in this matter on 14 October 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Centre to ensure compliance with the Rules, paragraph 7.

3. Factual background

The Complainant is an internet technology company, which was launched in September 2016 and became the most downloaded application in the US in October 2018. The Complainant reached over a billion users worldwide in September 2021 and currently has over 1 billion active monthly users globally as of March 2024. Its services are available in more than 150 different markets and in 75 languages. The Complainant has global headquarters in Los Angeles and Singapore, and its offices include New York, London, Dublin, Paris, Berlin, Dubai, Jakarta, Seoul, and Tokyo.

The Complainant is registered owner of numerous trademarks for TIK TOK and **TikTok**, including US trademark registration no. 5653614 TIK TOK, which was registered on 15 January 2019 and enjoys protection for goods and services in classes 9, 38, 41, and 42 (the “TIK TOK Mark”). The Complainant’s domain name “tiktok.com” had a total of 2.3 billion million visitors in July of 2024, making it the 14th most popular website globally.

The Domain Name was registered on 18 February 2024 and has been used in connection with a website which refers directly to the Complainant’s TIK TOK Mark throughout and displays the Complainant’s logo.

4. Parties’ Contentions

With regard to the three elements specified in the Policy, paragraph 4(a), the Complainant contends that each of the three conditions is given in the present case.

- i. The Domain Name is confusingly similar to the well-known TIK TOK Mark because it incorporates that mark in its entirety and merely adds the number "18" and the generic letter "i" to the end of the mark, which is insufficient to overcome a finding of confusing similarity under Policy, paragraph 4(a)(i).
- ii. The Complainant alleges that the Respondent has no rights or legitimate interests in the Domain Name. It states that the Respondent is not sponsored by or affiliated with the Complainant in any way and that the Complainant has not given the Respondent any permission, authorization or license to use the TIK TOK Mark in any way, including in the Domain Name. The Complainant further submits that there is no evidence that the Respondent is commonly referred to by the Domain Name. Finally, the Complainant alleges that the Respondent is not making a *bona fide* offering of goods or services or legitimate, noncommercial fair use of the Domain Name.
- iii. The Complainant claims that the Domain Name was registered and is being used in bad faith. The Complainant states that the TIK TOK Mark is known internationally

and that it is not possible to conceive of a plausible situation in which the Respondent was unaware of the TIK TOK Mark at the time the Domain Name was registered. With respect to bad faith use, the Complainant alleges, *inter alia*, that the Respondent is using the Domain Name in bad faith under the Policy, paragraph 4(b)(iv), by creating a likelihood of confusion with the Complainant and its trademarks by claiming to offer services in connection with the Complainant's own service, and that the Respondent's use of the Domain Name is disruptive to the Complainant's business and constitutes bad faith registration and use under the Policy, paragraph 4(b)(iii), because the Domain Name is confusingly similar to the Complainant's trademarks and the website at the Domain Name is being used to provide services in connection with the Complainant's business without the Complainant's authorization or consent.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

5. Findings

The Policy, paragraph 4(a), provides that each of three findings must be made in order for a Complainant to prevail:

- i. The Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- ii. The Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. The Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

The Domain Name is confusingly similar to the TIK TOK Mark as it contains the TIK TOK Mark in its entirety. The TIK TOK Mark is clearly recognizable within the Domain Name and the additional number "18" and the letter "i" are merely generic and insufficient to overcome a finding of confusing similarity.

The Panel finds that the Complainant satisfied the requirements of the Policy, paragraph 4(a)(i).

B) Rights and Legitimate Interests

Even though the Policy requires the complainant to prove that the respondent has no rights or legitimate interests in the disputed domain name, it is the consensus view among UDRP panels that a complainant must make only a *prima facie* case to fulfil the requirements of the Policy, paragraph 4(a)(ii). As a result, once a *prima facie* case is made, the burden of coming forward with evidence of the respondent's rights or legitimate interests in the disputed domain name will then shift to the respondent.

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the Domain Name. The Panel finds that the Complainant has made a *prima facie* case that the Respondent has no rights or legitimate interests in the Domain Name and that the burden of production has been shifted to the Respondent.

The Respondent did not deny these assertions in any way and therefore failed to come forward with any allegations or evidence demonstrating any rights or legitimate interests in the Domain Name.

Based on the evidence before the Panel, the Panel cannot find any rights or legitimate interests of the Respondent either. In particular, the Respondent's use of the Domain Name in connection with a website that prominently displays the Complainant's logo and offers services in connection with the Complainant's own service does not result in any rights or legitimate interests in favour of the Respondent.

Accordingly, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in respect of the Domain Name under the Policy, paragraphs 4(a)(ii) and 4(c).

C) Bad Faith

The Panel is satisfied that the Respondent has registered and used the Domain Name in bad faith.

With respect to bad faith registration, it is hardly conceivable that the Respondent registered the Domain Name without knowledge of the TIK TOK Mark, as such trademark is very well-established for many years. Moreover, the fact that the Respondent has used the Complainant's logo on the website under the Domain Name is clear evidence that the Respondent registered the Domain Name with full knowledge of the TIK TOK Mark and thus in bad faith under the Policy, paragraph 4(a)(iii).

As to bad faith use, by using the Domain Name in connection with the website mentioned above, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under the Policy, paragraph 4(b)(iv).

Therefore, the Panel finds that the Respondent has registered and is using the Domain Name in bad faith and that the Complainant has satisfied the requirements of the Policy, paragraph 4(a)(iii).

6. Decision

For the foregoing reasons, in accordance with the Policy, paragraph 4(i), and the Rules, paragraph 15, the Panel orders that the Domain Name <tiktok18i.com> be transferred to the Complainant.



Peter Müller
Panellist

Dated: 26 October 2024