



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401917
Complainant:	TikTok Ltd.
Respondent:	Priya Gupta
Disputed Domain Name:	<tiktok18app.net>

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 Complainant's authorized representative is Paddy Tam, of CSC Digital Brand Services Group AB, Sveavägen 9, 10th floor, 111, 57 Stockholm, Sweden.

The Respondent is Priya Gupta, of House No 3/190 Ambedkar Nagar, South Delhi, DL, 110062, India.

The domain name at issue is <tiktok18app.net> (the "**Disputed Domain Name**"), registered by the Respondent with Spaceship, Inc.

2. Procedural History

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre ("**the Centre**") on 28th August 2024. On the same date, the Centre notified the Complainant the receipt of its Complaint. On 29th August 2024, the Centre transmitted a request for registrar verification in connection with the Disputed Domain Name to Spaceship, Inc. On 30th August 2024, Spaceship, Inc responded the Centre stating that (i) the Disputed Domain Name was registered with it, (ii) the identity of the registrant, (iii) ICANN Uniform Domain Name Dispute Resolution Policy (the "**Policy**") applied, (iv) the language of the registration agreement for the Disputed Domain Name was English, (v) the disputed domain name's registration date and expiration date, and (vi) a lock was applied on the domain name, which will remain in place throughout the proceedings.

On 30th August 2024, Spaceship, Inc. replied confirming, particularly, that the Respondent was the registrant of the Disputed Domain Name, the Policy applied and the language is English.

On 2nd September 2024, the Complainant was asked to rectify deficiencies of its Complaint in light of the information supplied by Spaceship, Inc. by 7th September 2024. On 5th September 2024, the Complainant filed the amended Complaint.

The Centre verified that the Complaint satisfied the formal requirements of the Policy, the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules"). In accordance with the Rules, the Centre formally notified the Respondent of the Complaint, and the proceeding commenced on 6th September 2024. According to Article 5 of the Rules, the Respondent was required to submit a Response (the Response Form R and its Annexures) on or before 26th September 2024. The Respondent has not filed a Response in accordance with the Supplemental Rules within the required period of time. On 30th September 2024, the Centre notified the parties the proceeding would be continued on default of the Respondent.

The Centre appointed Mr. Solomon Lam as the sole panelist in this matter on 30th September 2024. Mr. Solomon Lam has confirmed his availability to act as a panelist and his ability to act independently and impartially between the parties to this dispute.

The Panel finds that it was properly constituted and appointed in accordance with the Rules and the Supplemental Rules. Therefore, this Panel has jurisdiction over this domain name dispute.

3. Language of this proceeding




The language of the Domain Name Registration Agreement is English. This proceeding shall be conducted in English.

4. Factual background

TikTok is an internet technology platform that is used to create and upload short videos. Tiktok Ltd, with its affiliate Tiktok Information Technologies UK Limited is the owner of the trademark rights for "TIK TOK"/ "TIKTOK" across various jurisdictions, including the India, the US, the UK and EU.

TikTok offers its services globally in more than 150 different countries, in 75 languages and has offices located in major cities worldwide.

The Complainant has the following 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

5. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarized as follows:

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

The Complainant says that by virtue of its trademark and service mark registrations, Complainant is the owner of the TIKTOK trademark. The Disputed Domain Name can be considered as capturing, in its entirety, Complainant's TIKTOK trademark and simply adding the generic string "18 app" to the end of the trademark. The mere addition of this generic term to Complainant's trademark does not negate the confusing similarity between the Disputed Domain Name and the Complainant's trademark.

Additionally, the Complainant says that the Respondent's use of the Disputed Domain Name contributes to the confusion. The 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 colour scheme, 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.

In light of the aforementioned, the Complainant request that the Panel concurs and classifies the Disputed Domain Name as confusingly similar to the Complainant's mark for the purpose of Paragraph 4(a)(i)

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

The Complainant says that the Respondent is not sponsored by or affiliated with Complainant in any way. Complainant has not given Respondent permission to use Complainant's trademarks in any manner, including in domain names. The Respondent is not commonly known by the Disputed Domain Name, which evinces a lack of rights or legitimate interests.

The Complainant also says that ADNDRC identifies the Registrant as "Priya Gupta", which does not resemble the Disputed Domain Name in any manner.

The 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.

Further, 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. 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.

For the reasons set out above, the Complainant says that it is clear from 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. 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 says that it 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 April 28, 2023.

By registering a domain name that incorporates Complainant's TIKTOK trademark in its entirety and adds the term "18 app", 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, through the Respondent's use of the Disputed Domain Name to host a website that brandishes the Complainant's logo, colour scheme and trademark, effectively claiming to be connected to, authorized by or affiliated with the Complainant, the Respondent has demonstrated actual knowledge of the Complainant's TIKTOK brand.

The Complainant says that 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.

The Respondent's use of the Disputed Domain Name constitutes a disruption of Complainant's business and qualifies as bad faith registration and use under Policy 4(b)(iii) because the 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 Complainant without Complainant's authorization or approval.

The Complainant says that 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.

B. Respondent

The Respondent has not filed a Response (the Response Form R and its Annexures) in accordance with the Supplemental Rules.

6. Findings

The 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 must be 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

On the evidence before the Panel, the Complainant has established rights in the "TIKTOK" mark through its registration in various jurisdictions including the US, UK and EU. The Panel also accepts that the rights are well-known internationally.

The Panel considers that the generic top-level domain <.net> shall be disregarded. Therefore, the identifiable part of the Disputed Domain Name is "tiktok18app".

There are two elements contained in "tiktok18app". The first element "tiktok" is the same as the Complainant's mark save that it is in lower case letters. The panel accepts the Complainant's submission that the second element "18app" is merely a generic string that adds nothing to negate the confusing similarity. Therefore, the Panel accepts that the identifiable part of the Disputed Domain Name "tiktok18app" is confusing similar with the Complainant's mark.

Therefore, the Panel finds that Article 4(a)(i) of the Policy is satisfied.

B) Rights and Legitimate Interests

The Panel accepts that the Complainant has rights in the "TIKTOK" mark internationally, and most prominently in the US, UK and the EU. This pre-dated the registration of the Disputed Domain Name on 28th April 2023.

The Complainant confirmed that the Respondent is not an authorised distributor, reseller, sponsor or partner of the Complainant or any of its joint ventures and there is no evidence that the Respondent or its name has any connection with the mark "TIKTOK". The Panel also finds that the Respondent is not commonly known by or known for her affiliation with the Disputed Domain Name.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Panel finds that Article 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

The Panel accepts that the Respondent must have been aware of the Complainant's prior rights and interests in the Disputed Domain Name in light of the Website. It is because the Respondent used the "TIKTOK" mark and used a strikingly similar logo which appeared on the Complainant's official website.

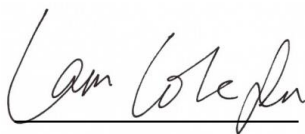
From the contents of the Website, it is obvious that the Respondent used the Disputed Domain Name intentionally to attract Internet users to the Website for commercial gain by creating a likelihood of confusion with the Complainant's mark. This is the situation stated under Article 4(b)(iv) of the Policy.

The Panel accepts the Complainant's submission that the Disputed Domain Name, along with the Website, was intended to foster the belief that pornographic content is associated with the Complainant. Given the above, the Panel also accepts the Complainant's submission that the Respondent's employment of privacy services demonstrates bad faith.

The Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith for the purposes of Article 4(a)(iii) of the Policy.

7. Decision

The Panel is satisfied that the Complainant has sufficiently proved the existence of all three elements of Paragraph 4(a) of the Policy. The Panel orders the Disputed Domain Name <tiktik18app.net> be transferred to the Complainant.



Solomon Lam
Sole Panelist

Dated: 9th October 2024