



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2501956
Complainant:	TikTok Ltd.
Respondent:	Sumon Rana
Disputed Domain Name(s):	<ttokplus.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 Sumon Rana, of Sumon Rana It House Surjaddi, Sherpur 2100 Bangladesh.

The domain name at issue is <ttokplus.com>, registered by the Respondent with NameCheap, Inc., of 4600 East Washington Street Suite 305 Phoenix AZ 85034 USA.

2. Procedural History

On 7 January 2025, pursuant to the Uniform Domain Name Dispute Resolution Policy (“the Policy”), the Rules for the Uniform Domain Name Dispute Resolution Centre Policy (“the Rules”) and the Asian Domain Name Dispute Resolution Centre Supplemental Rules (“the ADNDRC Supplemental Rules”), the Complainant submitted a Complaint in the English language to the Hong Kong Office of the ADNDRC (“the Centre”) through its authorized representative Paddy Tam, CSC Digital Brand Services Group AB. The Centre acknowledged receipt of the Complaint and notified the Registrar of the disputed domain name on 8 January 2025. The Centre received a reply from the Registrar on 10 January 2025.

On 13 January 2025, the Centre notified the Complainant of the deficiency of the Complaint and requested Complainant to rectify, within 5 calendar days (by 18 January 2025), the deficiency by correcting the relevant information on the coversheet and the second page of the Complaint, updating the Registrar's confirmation in the attachment and signing off the Complaint Form. On 16 January, the Complainant submitted a revised Complainant to the Centre. On 17 January, the Centre confirmed the Complaint is in administrative compliance with the Policy and the Rule. On the same day, the Centre sent a Written Notice of Complaint to the Respondent, notifying the Respondent that a Complaint

had been filed against the Respondent by the Complainant and the deadline for submitting a response was 6 February 2025.

On 7 February, the Center notified both parties that the Center did not receive a Response from the Respondent in respect of the Complaint concerning the domain name <ttokplus.com> within the required time, i.e. on or before 6 February 2025. On 7 February 2025, the Centre appointed Prof. Jyh-An Lee as the sole panelist. Both parties were informed of the appointment on the same day.

3. Factual background

A. For the Complainant

The Complainant, TikTok Ltd., was incorporated in September 2016. Since its debut, TikTok has emerged as one of the most widely used social media platforms globally, leveraging recommendation algorithms to link content creators and influencers with broader audiences. It 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 Ltd., together with its affiliate TikTok Information Technologies UK Limited (collectively “Complainant” or “TikTok”), owns valid trademark registrations for the word

marks “TIK TOK”, “TIKTOK”, and “**TikTok**” in multiple classes in various jurisdictions, including the U.S., the U.K., the EU, and through the Madrid system for international trademarks administered by WIPO (hereinafter collectively referred to as “the TIKTOK” marks). A summary of the Complainant’s trademarks is set out below:-

TRADEMARK	JURISDICTION/ TM OFFICE	REGISTRATION NUMBER	REGISTRATION DATE	CLASSES
TIK TOK	US / USPTO	5653614	15 January 2019	9, 38, 41, 42
TIKTOK (stylized) TikTok	US / USPTO	5974902	4 February 2020	9, 38, 41, 42
TIKTOK	US / USPTO	5981212	11 February 2020	9, 38, 41, 42
TIKTOK (stylized) TikTok	US / USPTO	5981213	11 February 2020	9, 38, 41, 42
TIKTOK (stylized) TikTok	US / USPTO	6847032	13 September 2022	35
TIKTOK	US / USPTO	6069518	2 June 2020	45
TIK TOK	UK / UKIPO	00917891401	29 November 2018	9, 38, 41
TIK TOK	EU / EUIPO	017913208	20 October 2018	9, 25, 35, 42, 45
TIK TOK	WO / WIPO	1485318	19 March 2019	9, 25, 35, 38, 41, 42, 45

B. For the Respondent

The Respondent, Sumon Rana is a natural person. The Respondent registered the domain name <ttokplus.com> on 20 August 2024.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may 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 contends that the disputed domain name <ttokplus.com> incorporates the Complainant's TIKTOK trademark. The term "tok" is merely an abbreviation of the Complainant's TIKTOK trademark, which was registered in 2018, well before the disputed domain name was registered. Additionally, the simple addition of the word "plus" at the end of the trademark does not eliminate the confusing similarity between the disputed domain name and the Complainant's trademark under Policy ¶ 4(a)(i). Therefore, the disputed domain name must be considered confusingly similar to the Complainant's trademark. It is well-established that adding generic or descriptive terms is insufficient to overcome a finding of confusing similarity under Policy ¶ 4(a)(i). As noted in WIPO Jurisprudential Overview 3.0 at 1.8: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element." Previous panels have consistently held that abbreviations of registered trademarks are protected under Policy ¶ 4(a)(i). The use of a contraction or shorthand version of a trademark in a domain name further supports a finding of confusing similarity with the Complainant's trademark.

Moreover, the Respondent's use of the disputed domain name further exacerbates the confusion. The Respondent has employed the disputed domain name to host a website that falsely claims affiliation with the Complainant, displaying the Complainant's unique logo and trademark, and promoting an unauthorized app named "TikTok18+". This indicates that the Respondent deliberately chose a domain name that closely resembles the Complainant's trademark, with the aim of increasing consumer confusion.

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

The Respondent is neither endorsed nor associated with the Complainant in any capacity. Additionally, the Complainant has not granted the Respondent any permission, authorization, or license to use its trademark in any form, including in domain names.

In this case, the relevant Whois details list the Registrant as "REDACTED FOR PRIVACY/ Privacy service provided by Withheld for Privacy ehf," while the Center's notice of Registrant Information names them as "Sumon Rana," which bears no resemblance to the disputed domain name. Therefore, in the absence of any evidence suggesting that the Respondent is commonly recognized by the disputed domain name, the Respondent cannot be considered to have any rights or legitimate interests in the disputed domain name under ¶ 4(c)(ii).

Additionally, when the complaint was filed, the Respondent was using a privacy WHOIS service, which previous panels have also determined to indicate a lack of legitimate interest. The structure of the disputed domain name encourages visitors to download an application, which resembles malware-like behavior. Therefore, it is likely that the Respondent is using the disputed domain name to distribute malware or viruses to internet users who visit the website, under the false claim that the software is provided by the Complainant. This further demonstrates the Respondent's lack of rights or legitimate interests in the disputed domain name. Additionally, the disputed domain name redirects users to a mobile application that is advertised as offering adult content.

The Respondent registered the disputed domain name on August 20, 2024, which occurred after the Complainant had filed for registration of its TIKTOK trademark with the USPTO, UKIPO, EUIPO, and WIPO, and after the Complainant's first use of the trademark in commerce in 2017. Furthermore, the registration date of the disputed domain name is also subsequent to the Complainant's registration of the <tiktok.com> domain name.

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

The Complainant contends that the Respondent creates a likelihood of confusion with the Complainant and its trademarks by falsely claiming to offer services related to the Complainant's own offerings. The content on the disputed domain name continuously refers to the Complainant's TIKTOK brand and displays the Complainant's logo, clearly aiming to replicate the appearance and feel of the Complainant's brand. Through this fabricated affiliation with the Complainant, the Respondent seeks to attract unsuspecting internet users to engage with the website content. Such usage falls directly under Paragraph 4(b)(iv), as it would inevitably lead to misleading diversion and an unfair exploitation of the Complainant's rights, constituting bad faith use under the Policy. The Respondent is therefore attempting to cause confusion among consumers to profit from this confusion. The impression created by the disputed domain name and its associated website would lead consumers to believe the Respondent is connected to the Complainant when, in fact, it is not. The Respondent's actions generate a likelihood of confusion regarding the source, sponsorship, affiliation, or endorsement of the disputed domain name, thereby using the Complainant's well-known trademarks to improperly increase traffic to their own website for commercial gain. This kind of conduct is widely recognized as bad faith.

Moreover, the Respondent's use of the disputed domain name disrupts the Complainant's business and qualifies as bad faith registration and use under Policy ¶ 4(b)(iii), since the domain name is confusingly similar to the Complainant's trademarks, and the website hosted under the disputed domain name is offering services related to the Complainant without the Complainant's consent or authorization.

As stated earlier, the website associated with the disputed domain name offers an application that promotes sexually explicit, pornographic content, which serves as evidence of the Respondent's bad faith registration and use of the domain. The Complainant argues that while pornographic content itself is not inherently prohibited, the issue arises when the Respondents redirects internet users to such sites while creating the false impression that the domain name is owned by, affiliated with, or associated with the Complainant. This deceptive practice is condemned because it misleads consumers and tarnishes the Complainant's reputation.

B. Respondent

The Respondent did not submit a response within the prescribed time period.

5. Findings

Prior to delving into the three-part analysis under paragraph 4(a) of the Policy, the Panel will first address the procedural matter concerning the Respondent's default. The consequences of this default are significant, as the Complainant bears the burden of proof under paragraph 4(a) of the Policy ("In the administrative proceeding, the complainant must prove that each of these three elements are present"). As such, the Panel cannot merely grant the Complainant's request automatically due to the default, but it has to examine instead the evidence presented to determine whether or not the Complainant has proved its case, as required by the Policy. Therefore, the Panel cannot simply approve the Complainant's request based on the default alone. Instead, it must review the evidence provided to assess whether the Complainant has sufficiently proven its case, as mandated by the Policy. *See Arnold Clark Automobiles Limited v. Registration Private*. (WIPO Case No. D2021-3921)

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

In this case, the Complainant has provided evidence demonstrating that it and its affiliated companies hold valid registrations for the TIKTOK marks in multiple classes across various jurisdictions.

The disputed domain name is <ttokplus.com>, which incorporates the abbreviation of the Complainant's registered trademark. When determining whether the disputed domain name is identical or confusingly similar to the Complainant's trademark, it is well-established that the generic top-level domain ".com" should be disregarded. Hence, the distinctive part in the disputed domain name is "ttokplus", which is a combination of the abbreviation of Complainant's mark, TIKTOK and generic part "plus". Previous panels have determined that a domain name containing an abbreviation can be considered confusingly similar to the trademark from which the abbreviation is derived. *See American Farm Bureau Federation v. Portfolio16 Management Ltd.*, (WIPO Case No. D2023-1310). Moreover, according to Article 1.8 of the WIPO Jurisprudential Overview 3.0, "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". Therefore, the distinctive part in the disputed domain name, "ttokplus", is identical to the Complainant's trademark

“ **TikTok** ”

Under such circumstances, the Respondent's use of the disputed domain name would easily mislead the public into believing that the Respondent is authorized by the Complainant to carry out the Complainant's business on the disputed website. Therefore, the Panel finds that the disputed domain name is identical or confusingly similar to the Complainant's registered trademark as stipulated by Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

According to paragraph 4(c) of the Policy, a panel may find that a respondent has a right to or legitimate interest in a domain name if certain circumstances are established, based on its assessment of the evidence provided. This list of circumstances is non-exhaustive, meaning that other factors could also be considered in determining the respondent's rights or interests.

In the present case, there is no evidence suggesting that the Respondent has been commonly referred to by the disputed domain name. The Respondent's name, "Sumon Rana", and other information provided by the Registrar do not show the Respondent has any association with "TIKTOK", and thus there is no justification or apparent need for the Respondent to use "TIKTOK" in the disputed domain name.

In conclusion, the Panel determines that the Complainant has presented an uncontested, prima facie case demonstrating that the Respondent has no rights or legitimate interests in relation to the disputed domain names. As a result, the Complainant has met the requirements of paragraph 4(a)(ii) of the Policy.

C) Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to establish the disputed domain name has been registered and is being used in bad faith. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. Section 4.2, WIPO Overview 3.0. Paragraph 4(b) of the ICANN Policy specifies four types of circumstances that could be evidence of the registration and use of a domain name in bad faith. They include: (i) circumstances indicating that the holder of the domain name has registered or has 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) the holder of the domain name has 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) the holder of the domain name has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the holder of the domain name has intentionally attempted to attract, for commercial gain, Internet users to his 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 his web site or location or of a product or service on his web site or location. In accordance with this stipulation, the Complainant is tasked with demonstrating that the disputed domain name has been both registered and utilized in a manner indicative of bad faith by the respondent. It is important to note that these requirements are interdependent, and the fulfillment of both is imperative for a complaint

to be deemed successful. *See e.g., Burn World-Wide, Ltd. d/b/a BGT Partners v. Banta Global Turnkey Ltd.* (WIPO Case No. D2010-0470)

In general, a determination that a domain name has been registered and is being used in bad faith requires the inference that the respondent intentionally registered and is using the disputed domain name to take advantage of its connection to the complainant's trademark. The Panel has concluded these two elements have been satisfied in the present case.

Registration in bad faith. Circumstances indicating that a domain name was registered for the bad-faith purpose of selling it to a trademark owner can be highly fact-specific; the nature of the domain name and the registration date could be considered when assessing bad faith. In this case, the disputed domain name was registered by the Respondent in August 2024, a notable several years later than the earliest registration of the Complainant's TIKTOK marks. Given the large user volume and the popularity of the TikTok platform the Complainant had accumulated during this period, the Panel concurred with the Complainant that the Respondent had the bad faith to free ride on the Complainant's reputation when registering the disputed domain name.

Use in bad faith. According to the evidence submitted by the Complainant, by searching the disputed domain name, users would be directed to a website containing the logo of TikTok. In the introduction part, the website stated that "TikTok Plus is a special edition of the TikTok app that provides some extra features, including romantic and daring content". These languages are clearly misleading as to the relationship between the disputed website and the Complainant, and intended to cause viewers to believe that the services offered by the website is another version of the TikTok app, which has been clearly denied by the Complainant. By using such confusing and misleading languages, the website navigates viewers to download the TIKTOK 18+ APK APP for the Respondent's own commercial gain. Therefore, the Respondent had intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his website or location or of a product or service on his web site or location, which is prohibited under Paragraph 4(b) of the ICANN Policy. At the time of this decision, the website at issue is still active and the above indications are still displayed. Therefore, the Panel holds that the disputed domain name is being used in bad faith.

The Respondent's default in this case appears to strengthen the inference of bad faith registration and bad faith use. Although a respondent's default does not necessarily constitute an admission that the complainant's claims are true, as per Section 4.2 of the WIPO Jurisprudential Overview 3.0, panels are granted with the discretion to draw certain inferences based on the specific facts and circumstances of the case in line with paragraph 14(b) of the UDRP Rules. For instance, this could occur when a particular conclusion is prima facie obvious, when an explanation from the respondent is required but not provided, or when no other reasonable conclusion is apparent. Given the other facts where the Respondent has used the confusing similarity between the disputed domain and the TIKTOK marks to induce the ignorant viewers to download an app without any relationship with the Complainant, the Panel concludes that bad faith could also be inferred through the Respondent's failure to respond.

It is noteworthy that the Complainant also submitted that the Respondent's use of the disputed domain name in this manner amounts to "porno-squatting", citing *Sound Unseen, Ltd.; Apple Bottoms, LLC; and Cornell Haynes p/k/a "Nelly" v. Patrick Vanderhorst*

case,(WIPO Case No. D2005-0636). However, the Complainant failed to adduce sufficient evidence to prove that the Respondent has posted pornography content on the website linked by the disputed domain name. That said, as the Panel has already ruled in favor of the Complainant in finding bad-faith use, the lack of evidence supporting porno-squatting would not change the overall conclusion.

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 <ttokplus.com> be transferred to the Complainant.



Jyh-An Lee
Panelist

Dated: 20 February 2025