



(Hong Kong Office)

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2501958</b>
<b>Complainant:</b>	<b>TikTok Ltd.</b>
<b>Respondent:</b>	<b>Mahi de Silva</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;savemytiktok.com&gt;; &lt;savemytiktoks.com&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 Mahi de Silva, of 12400 Melody Lane, Los Altos Hills, California 94022, USA.

The domain names at issue are <savemytiktok.com> and <savemytiktoks.com>, registered by the Respondent with GoDaddy.com, LLC, of 2155 E GoDaddy Way Tempe AZ 85284, USA.

**2. Procedural History**

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “**Center**” or “**ADNDRC**”) on January 15, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 18, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 2025, 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 January 24, 2025.

The Center 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**”) and the Rules for Uniform Domain Name Dispute Resolution Policy (the “**Rules**”), and the ADNDRC Supplemental Rules to the Policy and the Rules (the “**Supplemental Rules**”).

In accordance with Paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 27, 2025. In accordance with Paragraph 5 of the Rules, the due date for Response was February 16, 2025. The Respondent submitted a response on February 16, 2025. The Center appointed Adam Samuel as the sole panelist in this matter on February 18, 2025. The Panel finds that it was properly constituted.

### **3. Factual background**

The Complainant is an internet technology company. It enables users to create and upload short videos. The Complainant registered the domain name <tiktok.com> for this purpose on July 21, 2016.

The Respondent registered the disputed domain names on December 7, 2024. According to the Response, the Respondent has authorised Triller & Co of which the Respondent was formerly the CEO to act on his behalf in responding to the Complaint.

### **4. Parties' Contentions**

#### **A. Complainant**

The Complainant's contentions may be summarized as follows:

- i. The disputed domain names capture in its entirety the Complainant's "TIKTOK" trademark, simply adding the generic terms "save my" to the beginning of it. In the second disputed domain name, an 's' has been added after the Complainant's trademark and before the generic Top Level Domain (gTLD). The mere addition of the gTLD does not negate the confusing similarity between the disputed domain names and the Complainant's trademark.
- ii. The Respondent is using the disputed domain names to redirect users to websites that feature the Complainant's logo while promoting Triller, a direct competitor of the Complainant.
- iii. The Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission, authorization or any license to use the Complainant's trademark in any way. The Respondent's name does not resemble the disputed domain names.
- iv. At the disputed domain names' websites, the Respondent is encouraging Internet users to back up their videos and upload them to Triller. The Respondent clearly knows the Complainant's brand and business and is using the former to promote the Complainant's competitor.

#### **B. Respondent**

The Respondent's contentions may be summarized as follows:

- i. The URLs are not confusingly similar to the Complainant as the websites are prominently branded with Triller logos, colors and other indicia so that no user could reasonably conclude that the URLs are associated or affiliated with Complainant. Additionally, the website now includes a disclaimer making it clear that no such association, affiliation or endorsement by the Complainant exists.

- ii. The Respondent has a legitimate interest in providing a service for its users to help them transfer their content from another social media platform to Triller, especially as the Complainant's platform Tik Tok may be banned in the United States, where the Respondent and many of its users reside. It is common knowledge that many social media users have user accounts on a variety of social media platforms and, therefore, it is reasonable that Triller users will also have TikTok accounts whose content they wish to preserve in the event of a US ban. The Respondent's use of the phrase "TikTok" in the URL is the phrase most closely associated with what the public calls the videos posted to TikTok. Each post is referred to as a "TikTok" and plurally as "TikToks". As this is the word most commonly associated with user videos uploaded and posted to TikTok, there is no other phrase that more accurately describes the type of content to be transferred. A user transferring their "TikToks" can only refer to one type of content. There is also no other word that can be used to the TikTok platform other than TikTok, whether the user's TikToks reside.
- iii. There is no bad faith in the registration or use of the URLs by the Respondent. The Respondent on its own behalf and on behalf of its users has a legitimate interest in offering the user the opportunity to transfer their TikToks to the Triller platform. The TikToks continue to reside on the TikTok platform following the transfer, so there is no harm to the Complainant involved. Also as previously mentioned the URLs are prominently branded with Triller logos, colours, and other indicia so that no user visiting the URLs could reasonably conclude that they are associated or affiliated with TikTok.

## **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 names are 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 names; and
- iii. Respondent's domain names have been registered and are being used in bad faith.

### **A) Identical / Confusingly Similar**

The disputed domain names consist of the generic words "save" and "my", the Complainant's distinctive trademark "TIKTOK" and in the case of the second domain name, the letter "s", followed by the gTLD ".com".

The addition of two generic words before a well-known trademark which has no independent meaning away from the Complainant's business and, in the case of the second domain name, after it of the plural "s" does not prevent the dispute domain name from being confusingly similar to the Complainant's trademark. For this purpose, the gTLD ".com" is irrelevant.

The Respondent has argued that the URLs are not confusingly similar to the Complainant as the websites are prominently branded with Triller logos, colors and other indicia so that no user could reasonably conclude that the URLs are associated or affiliated with

Complainant. This addresses a different question to that posed under this test of the policy. Here, one is only concerned with the domain name and not the content of the website. For that reason, it is irrelevant whether, as the Respondent asserts, the website now includes a disclaimer making it clear that no such association, affiliation or endorsement by Complainant exists.

For these reasons, the Panel concludes that the Complainant has succeeded on the first test.

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

As the Respondent asserts, it is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission, authorization or any license to use the Complainant's trademark in any way. The Respondent's name does not resemble the disputed domain names.

The Respondent asserts that it has a legitimate interest in providing a service for its users to transfer their content from another social media platform to Triller, especially as, it says, the Complainant's platform TikTok may be banned in the United States, where Respondent and many of its users reside.

The Panel has considered carefully the rest of its second submission on this point. The Respondent is entitled to present through websites these views. However, it has no right to do so when using a trademark that belongs to someone else, both in the disputed domain names and on the website to which it resolves, particularly someone whose business it seeks to damage significantly. This is particularly the case where here it is using the Complainant's logo when suggesting that users connect to their TikTok accounts in order to transfer their videos to Triller.

For these reasons, the Panel concludes that the Complainant has succeeded on the second test.

## **C) Bad Faith**

The Respondent registered the disputed domain names, apparently in order to persuade the Complainant's customers to move their videos to the Triller platform and continue to invite visitors to the website to which the disputed domain names resolve to do that.

The Respondent argues that this does not represent registration and use in bad faith. It argues that Triller and its representative, the Respondent, has a legitimate interest in offering Internet users the opportunity to transfer their TikToks to the Triller platform. The TikToks continue to reside on the TikTok platform following the transfer, so there is no harm to Complainant. Also as previously mentioned the URLs are prominently branded with Triller logos, colours, and other indicia so that no user visiting the URLs could reasonably conclude that they are associated or affiliated with TikTok.

If the Respondent had expressed these views through a domain name that did not incorporate the Complainant's trademark, but instead did so, using a domain name reflecting his own name or that of Triller on whose behalf the Respondent seems to be acting, the situation might be very different. Instead, the Respondent has used the

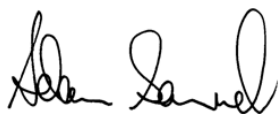
Complainant's trademark without the Complainant's permission to attract Internet users interested in the Complainant's business in order to divert business to Triller, a company that competes with the Complainant. It is disingenuous to say that the TikToks diverted will remain on the Complainant's website, causing the Complainant no harm. If Internet users follow the Respondent's message, they will become the Respondent's customers and thereby support the development of the Complainant's competitor.

For these reasons, the Panel concludes that the Complainant has succeeded on the third test.

For all these reasons and having considered the submissions and exhibits of both parties, the Panel concludes that the Complainant has succeeded on all three tests. That rules out any possibility of a finding of reverse domain name hijacking. The Respondent's application for that is rejected.

## 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 names <**savemytiktok.com**> and <**savemytiktoks.com**> be transferred to the Complainant.



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Adam Samuel

Dated: February 24, 2025