

## **ADMINISTRATIVE PANEL DECISION**

Bytedance Ltd. v. birkan celik, Erald Hoxha, Domain Admin, Isimtescil.net /  
Whoisprotection.biz / Abdullah Bilir  
Case No. D2022-2779

### **1. The Parties**

The Complainant is Bytedance Ltd., Cayman Islands, United Kingdom, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondents are Erald Hoxha, Albania; birkan celik, Türkiye; Domain Admin, Isimtescil.net / Whoisprotection.biz, Türkiye / Abdullah Bilir, Türkiye.

### **2. The Domain Names and Registrars**

The disputed domain name <coin-tiktok.com> is registered with Dynadot, LLC.

The disputed domain name <tiktokscoins.com> is registered with Google LLC.

The disputed domain name <tiktok-token.com> is registered with Isimtescil Bilişim A.Ş. (the “Registrars”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 28, 2022. On July 28, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On July 29, 2022, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on August 3, 2022, 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 amended Complaint on August 4, 2022.

The Center sent an email communication in English and Turkish to the Parties on August 3, 2022, regarding the language of the proceeding, as the Complaint and amended Complaint have been submitted in English and the language of the Registration Agreements for the disputed domain names <tiktokscoins.com> and <tiktok-token.com> are Turkish. The Complainant sent an email to the Center requesting English to be the

language of the proceeding on August 4, 2022. The Respondents did not comment on the language of the proceeding.

The Center verified that the Complaint together with the amended 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 WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents of the Complaint, and the proceedings commenced on August 10, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 30, 2022. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on August 31, 2022.

The Center appointed Kaya Köklü as the sole panelist in this matter on September 2, 2022. 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 Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is an Internet technology company, which operates various popular online content platforms.

The Complainant is the owner of the famous trademarks TIKTOK and TIK TOK, which are registered and used around the world (Annex 1 to the Complaint). Among others, the Complainant is the owner of the United States of America Trademark Registration No. 5653614 for TIK TOK, registered on January 15, 2019, and Turkish Trademark Registration No. 2018 79973 for TIKTOK, registered on October 23, 2019.

The Complainant operates its primary website at “www.tiktok.com”.

The disputed domain name <coin-tiktok.com> was registered on April 8, 2022, the disputed domain name <tiktokcoins.com> was registered on July 9, 2022, and the disputed domain name <tiktok-token.com> was registered on July 23, 2022.

The Respondents are composed of three individual registrants reportedly located in Albania and Türkiye.

The screenshots, as provided by the Complainant, show that the disputed domain names previously resolved to practically identical websites in the English language, allegedly offering virtual coins of the Complainant for sale (Annex 3 to the Complaint). On the websites, the TIKTOK trademark of the Complainant was prominently used as if these websites were official websites of the Complainant without any visible disclaimer describing the (lack of) relationship between the Parties. Currently, the disputed domain name <coin-tiktok.com> does not resolve to an active website while the remaining disputed domain names resolve to the same websites as described above.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant requests the transfer of the disputed domain names.

First, the Complainant requests consolidation of the Respondents arguing that the registrants of the disputed domain names are connected to one another and should be considered as the same domain name holder for the purpose of this administrative proceeding.

The Complainant is further of the opinion that the disputed domain names are confusingly similar to its TIK TOK and TIKTOK trademarks.

It further argues that the Respondents have no rights or legitimate interests in respect of the disputed domain names. In this regard, it is particularly argued that the Complainant has no commercial relationship with the Respondents and that the Respondents have never been granted with a license or any other authorization to use the Complainant's trademarks.

Finally, it is argued that the Respondents have registered and are using the disputed domain names in bad faith. The Complainant believes that the Respondents must have been well aware of the Complainant's TIK TOK and TIKTOK trademarks when registering the disputed domain names, particularly as the Respondents use the Complainant's trademarks on the websites linked to the disputed domain names without an authorization and any disclosure of the lack of relationship between the Complainant and the Respondent.

## **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1. Consolidation of Respondents**

As neither the Policy nor the Rules explicitly provides provisions for the consolidation of claims against multiple respondents into a single administrative proceeding, UDRP panels generally apply the principles for consolidation as set out at section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 4.11.2 of the [WIPO Overview 3.0](#) states the following: "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". See also, *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

In this regard, previous UDRP panels particularly considered the following aspects in determining whether consolidation is appropriate: similarities in or relevant aspects of (i) the registrants' contact information, (ii) the content or layout of websites corresponding to the disputed domain names, (iii) whether the registrants are targeting a specific sector, and (iv) the relevant language/scripts of the disputed domain names.

In light of the criteria set out above, there are strong indications that all disputed domain names are under common control.

In view of the Panel, the Complainant has provided sufficient evidence that the Respondents are at least connected to each other. This is particularly indicated by various undisputed facts, such as that all disputed domain names previously resolved to practically identical websites, allegedly offering virtual coins of the Complainant for sale (Annex 3 to the Complaint) hosted with the same provider, and were also all registered rather recently between April and July, 2022.

The Panel concludes that the Respondents must have acted collaboratively and, hence, accepts that all disputed domain names are under common control. Additionally, the Panel is convinced that in the present case consolidation of multiple respondents is procedurally efficient, fair, and reasonable to all Parties.

Moreover, the Respondents have not raised any objection to the Complainant's consolidation request.

The Panel therefore, for the purpose of this decision, accepts the case to be dealt with in a consolidated Complaint and will refer, whenever appropriate, to the Respondents as “the Respondent” below.

## 6.2. Language of the Proceeding

The Panel determines in accordance with the Complainant’s request and the Rules, paragraph 11(a), that the language of the administrative proceeding shall be English. Although the language of the Registration Agreements for the disputed domain names <tiktokscoins.com> and <tiktok-token.com> is Turkish, the Panel finds that it would be inappropriate, given the circumstances of this case, to conduct the proceeding in Turkish and request a Turkish translation of the Complaint while the Respondent has failed to raise any objection to the Complainant’s language request or respond to the Center’s communication about the language of the proceeding, even though communicated in Turkish and in English. The Panel notes that the Respondent was given the opportunity to file a Response in Turkish or English and that this opportunity remained unused by the Respondent.

Consequently, the Panel is convinced that the Respondent will not be prejudiced by a decision being rendered in English.

## 6.3. Substantive Issues

According to paragraph 14(a) and 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no formal Response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain names are identical or confusingly similar to the trademarks in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not formally replied to the Complaint. See *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#).

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the [WIPO Overview 3.0](#).

### A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having trademark rights in TIK TOK and TIKTOK (Annex 1 to the Complaint).

The Panel further finds that the disputed domain names are confusingly similar to the Complainant’s registered trademarks, as they fully incorporate the Complainant’s trademarks.

As stated at section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would generally not prevent a finding of confusing

similarity. The mere addition of the letter “s” and/or the terms “coin”, “coins” or “token” does not, in view of the Panel, serve to prevent a finding of confusing similarity between the disputed domain names and the Complainant’s TIKTOK and TIK TOK trademarks.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent’s rights or legitimate interests is primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain names to meet the requirements of paragraph 4(a)(ii) of the Policy. *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license to use the Complainant’s TIK TOK and TIKTOK trademarks within the disputed domain names.

In the absence of a Response, the Respondent has failed to demonstrate any of the non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or provide any other evidence of a right or legitimate interest in the disputed domain names. Rather, the Panel is convinced that the Respondent deliberately has chosen the disputed domain names to cause confusion with the Complainant and its trademarks. Particularly, the look and feel of the websites linked to the disputed domain names creates the false impression that they appear to be operated by the Complainant itself. In addition, the Panel notes that the nature of the disputed domain names carries a risk of implied affiliation or association with the Complainant because the Complainant itself provides services that allow TikTok users to purchase or recharge virtual coins (see section 2.5.1 of the [WIPO Overview 3.0](#)).

In light of the above, the Panel also does not see any indication for assessing a *bona fide* offering of goods or services by the Respondent.

Consequently, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

In the Panel’s view, the Respondent has registered and is using the disputed domain names in bad faith.

The Panel is convinced that the Respondent must have had the Complainant’s trademarks in mind when registering the disputed domain names. The Panel believes that the Respondent deliberately attempted to create a likelihood of confusion among Internet users and/or to freeride on the goodwill of the Complainant’s TIK TOK and TIKTOK trademarks, apparently for commercial gain and/or to disrupt the Complainant’s business.

After having reviewed the Complainant’s screenshots of the websites linked to the disputed domain names, allegedly offering virtual coins of the Complainant for sale (Annex 3 to the Complaint), the Panel finds that such use of the disputed domain names falls into paragraph 4(b)(iv) of the Policy. Although the disputed domain name <coin-tiktok.com> currently does not resolve to an active website, this does not prevent a finding of bad faith as the Panel cannot conceive of any good-faith use of this disputed domain name which is confusingly similar to the TIK TOK and TIKTOK trademarks owned by the Complainant.

The Panel is convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

The Panel therefore concludes that the disputed domain names were all registered and are being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, paragraph 4(a)(iii) of the Policy.

## **7. 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 <coin-tiktok.com>, <tiktokcoins.com>, and <tiktok-token.com> be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: September 16, 2022