

ADMINISTRATIVE PANEL DECISION

Bytedance Ltd. v. Petr Škultety
Case No. D2022-4342

1. The Parties

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

The Respondent is Petr Škultety, Czech Republic.

2. The Domain Name and Registrar

The disputed domain name <tiktoken.finance> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 15, 2022. On November 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on November 18, 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 November 23, 2022. On November 23, 2022, the Respondent informed the Center that it consented to transfer the disputed domain name to the Complainant. On December 6, 2022, the Complainant sent an email communication to the Center indicating that it did not wish to suspend the present proceedings and requested that the proceedings continue.

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 Respondent of the Complaint, and the proceedings commenced on December 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 27, 2022. The Respondent did not submit a substantive response. On December 15, 2022 and December 19, 2022, the Respondent sent email

communications to the Center reiterating its consent to transfer the disputed domain name to the Complainant. It also indicated that it had requested the Registrar to delete the disputed domain name. On December 29, 2022, the Center notified the Parties that it would proceed to panel appointment.

The Center appointed John Swinson as the sole panelist in this matter on January 23, 2023. 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 that operates TikTok application. The Complainant owns trademark registrations for TIKTOK, *inter alia*, United States of America registration (figurative) no. 5974902 registered on February 4, 2020.

The disputed domain name was registered on December 1, 2021. The Complainant has submitted evidence showing that the disputed domain name resolved to a website that claimed to offer cryptocurrency payments (TikToken) for publishing videos on the Complainant's TikTok platform.

At the present time, the disputed domain name does not resolve to a website.

5. Parties' Contentions

A. Complainant

The Complainant made detailed substantive submissions that address each of the elements of the Policy. In summary, the Complainant submits that the disputed domain name is confusingly similar to the Complainant's TIKTOK trademark. Additionally, TikTok users can purchase and recharge virtual coins, sometimes also referred to as "tokens", using authorized payment methods and through authorized payment providers. These coins can be used to purchase virtual gifts for creators. The Complainant has not granted permission to the Respondent to use the TIKTOK trademark. The Respondent is clearly aware of the TIKTOK trademark.

B. Respondent

The Respondent sent a communication to the Center titled "Response" that stated: "Respondent agrees to transfer the disputed domain name to the Complainant or cancel the disputed domain."

The Respondent also sent a signed "Standard Settlement Form" to the Center, agreeing to transfer the disputed domain name to the Complainant. (The Complainant did not countersign this document).

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove:

- (i) The domain name registered by the Respondent is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and
- (ii) The Respondent has no rights or legitimate interests with respect to the domain name; and
- (iii) The domain name has been registered and is being used in bad faith to obtain transfer of the disputed domain name.

The Respondent's consent to transfer the disputed domain name can provide a basis for an order for transfer without a need for consideration of the UDRP grounds. When the Complainant seeks transfer of the domain name, and the Respondent agrees to transfer, the Panel may proceed immediately to make an order for transfer. See *Williams-Sonoma, Inc. v. EZ-Port*, WIPO Case No. [D2000-0207](#); *The Cartoon Network LP, LLLP v. Mike Morgan*, WIPO Case No. [D2005-1132](#); *Tata Motors Limited v. S Jon Grant*, WIPO Case No. [D2015-0092](#); *Bulova Invest Ltd v. Nichola Craven, EFA Limited*, WIPO Case No. [D2015-0532](#); *LIDL Stiftung & Co. KG v. WhoisGuard Protected, WhoisGuard, Inc. / Web Server Kft., Web Server Kft.*, WIPO Case No. [D2020-3181](#).

The Complainant has not requested a decision on the merits. Compare *Smava GmbH v. WhoisGuard, Inc. / Yurii Shliapa, Techmedia4u*, WIPO Case No. [D2020-2922](#).

Because both the Complainant and the Respondent request the transfer of the disputed domain name to the Complainant, the Panel recognizes the common request of the two parties.

The Panel also considers that the Complainant has met all three elements of the Policy. The disputed domain name is confusingly similar to the Complainant's TIK TOK trademark because the disputed domain name incorporates all of the TIK TOK trademark. The Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests with respect to the disputed domain name. The Respondent does not present evidence otherwise. Based on the evidence before the Panel, it is apparent that the Respondent was aware of the Complainant and registered the disputed domain name to take advantage of the Complainant's trademark rights. The Complainant's evidence, that the Respondent does not dispute, demonstrates that the Respondent registered and used the disputed domain name in bad faith.

Accordingly, the Panel will order the transfer of the disputed domain name.

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 name <tiktoken.finance> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: January 31, 2023