

ADMINISTRATIVE PANEL DECISION

Bytedance Ltd. v. Bufen B
Case No. DTV2022-0007

1. The Parties

The Complainant is Bytedance Ltd., Cayman Islands, United Kingdom (“U.K.”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Bufen B, Singapore.

2. The Domain Name and Registrar

The disputed domain name <tiktok18.tv> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 29, 2022. On November 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 30, 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 30, 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 December 2, 2022.

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 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 4, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on January 11, 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 enables users to discover a world of creative content platforms powered by leading technology. It owns a series of content platforms that enable people to connect with consuming and creating content, including TikTok, Helo, and Resso. TikTok was launched in May 2017, and became the most downloaded application in the United States of America (“United States”) in October 2018. TikTok enables users to create and upload short videos. TikTok offers features such as background music and augmented reality effects, but users control which features to pair with the content of their self-directed videos, and TikTok serves as a host for the content created by its users. TikTok is available in more than 150 different markets, in 75 languages, and has become the leading destination for short-form mobile video. TikTok has global offices including Los Angeles, New York, London, Paris, Berlin, Dubai, Mumbai, Singapore, Jakarta, Seoul, and Tokyo. On Google Play, more than 500 million users have downloaded the TikTok app. The app is ranked as “#1 in Entertainment” in the Apple Store. The Complainant also has a large Internet presence through its primary website “www.tiktok.com”. According to “SimilarWeb.com”, <tiktok.com> had a total of 1.5 billion visitors in February 2022 alone, making it the 15th most popular website globally and the 21st in the United States.

The Complainant, with its subsidiary ByteDance U.K. Limited, is the owner of trademark registrations for TIK TOK and TIKTOK across various jurisdictions, including in Singapore, where the Respondent is located.

The Complainant is, *inter alia*, the owner of:

European Union Trademark TIKTOK registration No. 017913208, registered on October 20, 2018;
Singaporean Trademark TIKTOK registration No. 40201924683W, registered on July 28, 2020;
Hong Kong, China, Trademark TIK TOK registration No. 304569373, registered on June 20, 2018;
United States Trademark TIK TOK registration No. 5653614, registered on January 15, 2019.

The disputed domain name was registered on May 10, 2022.

The disputed domain name currently redirects to a website that features pornographic content and promotes the download of an app for adults (“TikTok18+ make your sex day”).

5. Parties’ Contentions

A. Complainant

The Complainant claims that:

- (a) the disputed domain name is confusingly similar to the Complainant’s trademark;
- (b) the Respondent lacks any rights or legitimate interests in the disputed domain name; and
- (c) the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

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

A. Identical or Confusingly Similar

The Complainant has established rights in the TIK TOK and TIKTOK trademark (hereinafter, collectively referred to as the “TIKTOK trademark” unless otherwise indicated).

The disputed domain name consists of the TIKTOK trademark combined with the number “18”. The addition of the number “18” in the disputed domain name does not prevent a finding of confusing similarity between the Complainant’s trademark and the disputed domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 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”.

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

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “tiktok18” or by any similar name. The Respondent has no connection to or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. In fact, the disputed domain name currently resolves to a website prominently featuring the Complainant’s TIKTOK trademark and that features pornographic content and promotes the download of an app for adults. The Respondent has not replied to the Complainant’s contentions (made in the course of this proceeding) claiming any rights or legitimate interests in the disputed domain name. Considering the construction of the disputed domain name and its use to offer similar services in the field of short video clips, the Respondent clearly intended to create a risk of implied affiliation to the Complainant, contrary to the fact, to mislead unsuspecting Internet users to its website expecting to find the Complainant.

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

C. Registered and Used in Bad Faith

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainant’s contentions that the disputed domain name was registered and has been used in bad faith.

The TIKTOK trademark has been registered and used for several years all over the world. It enjoys a widespread reputation and high degree of recognition as a result of its fame and renown and thus the TIKTOK mark is not one that traders could legitimately adopt other than for the purpose of creating the impression of an association with the Complainant.

In addition, by displaying the Complainant’s registered trademark on the Respondent’s website, the Respondent mislead consumers into believing that the Complainant or an affiliated dealer were the source of

the website.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the TIKTOK trademark.

Consequently, this Panel finds that the Respondent's use of the inherently misleading disputed domain name, *i.e.* to resolve to a website that features pornographic content and promotes the download of an app for adults, is further evidence of bad faith registration and use of the disputed domain name.

Inference of bad faith can also be made in the failure to respond to the Complainant's contentions, and the Respondent's lack of any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith.

Therefore, the Complainant has satisfied 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 name, <tiktok18.tv>, be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: January 25, 2023