



ADNDRC

Asian Domain Name Dispute Resolution Centre

hong kong

**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	HK-2001329
<b>Complainant:</b>	Bytedance Ltd
<b>Respondent:</b>	Tiktok Help
<b>Disputed Domain Name(s):</b>	<account-tiktok.com>

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**1. The Parties and Contested Domain Name**

1. The Complainant is Bytedance Ltd, of P.O. Box 31119 Grand Pavilion, Hibiscus Way, 802 West Bay Road, Grand Cayman, KY1 - 1205 Cayman Islands.
2. The Respondent is Tiktok Help of Kışla, Seyhan Park Evleri 01370 Yüreğir/Adana, Turkey.
3. The domain name at issue is <account-tiktok.com>, registered by Respondent with Google LLC, of 1600 Amphitheatre Parkway, Mountain View, California 94043.

**2. Procedural History**

4. The Complainant filed this complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) on 20 March, 2020.
5. A copy of the Complaint was sent to the Respondent on 08 April 2020.
6. The Respondent failed to respond within 20 calendar days as required under paragraph 5 of the UDRP Rules and on 29 April 2020 was held as being in default.
7. On 04 May 2020, after confirming that he was able to act independently and impartially between the parties, the ADNDRC appointed David Allison as the sole Panelist in this matter.

**3. Factual background**

8. The Complainant is a well-known internet technology company and owns a series of content platforms including Toutiao, Douyin, and relevant to this dispute, TikTok.

9. The Complainant's TikTok platform allows users to create vertical videos that typically runs for 15 seconds before looping to restart, and connect clips together to create videos up to 60 seconds long. The videos incorporate music samples, filters, quick cuts, stickers and other creative add-ons that allow users to make the most of the short length. TikTok is available in more than 150 different markets and has become extremely well known and popular.
10. The Complainant has filed and registered an extensive range of trademarks worldwide. A sample of the Complainant's registered marks includes:

<b>Mark</b>	<b>Jurisdiction</b>	<b>Class</b>	<b>Reg Date</b>	<b>Reg No</b>
TIK TOK	Hong Kong	9, 38, 41, 42	20 Jun 2018	304569373
TIK TOK	Japan	25, 35, 41, 42, 45	20 Jun 2018	6064328
TIK TOK	Australia	9,38, 41	17 Aug 2018	1949117
TIK TOK	United States	9, 38, 49, 38, 41, 42	15 Jan 2019	5653614

11. The Complainant also owns the top level domain name <tiktok.com> which was first registered on 20 July 1996.
12. The Respondent failed to file a Response within the deadline. Accordingly, nothing is known about the Respondent besides the fact that the disputed domain name was registered on 27 January 2020.

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

13. Complainant:

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is confusingly similar to the trademarks TIK TOK owned by the Complainant.
- ii. The Respondent has used the disputed domain name to send emails to unsuspecting consumers in order to obtain personal information – otherwise known as phishing.
- iii. The Respondent has clearly registered and used the disputed domain name in bad faith, most clearly illustrated by its phishing attempts and the fact that no legitimate use is being made of the disputed domain name.

14. Respondent:

The Respondent did not file a submission within the deadline.

#### **5. Findings**

15. 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**

16. The Complainant has adduced sufficient evidence to demonstrate that it has clear trademark rights to the mark TIK TOK in a number of jurisdictions, the earliest of which date back to June 2018. The Complainant has also provided abundant relevant evidence to demonstrate that it is relatively well-known to the public. As such, the Panel finds that the Complainant has sufficient rights and interests in the TIK TOK mark.
17. When comparing the Complainant's marks and the disputed domain name, it is clear that they are confusingly similar. The 'ACCOUNT' element at the start of the Disputed Domain name would be ignored by consumers and does not constitute a distinctive element. Consumers seeing the ACCOUNT element would likely conclude that it is merely a sub-domain or related domain of the main 'TIK TOK' domain name. Accordingly, when the distinctive element of the Disputed Domain name (ie TIKTOK) is compared with the Complainant's trademarks, it is obvious that they are identical.
18. Accordingly, the Panel has no hesitation in holding that the Complainant's mark and the disputed domain name are confusingly similar. Thus, the first element is satisfied.

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

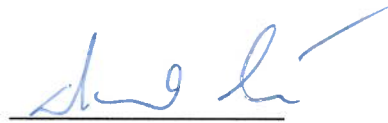
19. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. In particular, the disputed domain name resolves to a blank web page with no content and the Respondent has used the disputed domain name in fraudulent phishing attempts to confuse third parties into providing personal information to them. This is done by sending emails, using an email address [noreply@account-tiktok.com](mailto:noreply@account-tiktok.com) which confuses third party recipients into believing the emails come from the Complainant, and thereby fraudulently requesting personal information from the third party recipients.
20. The evidence adduced by the Complainant appears credible and, as there is no response from the Respondent, it has been accepted by the Panel.
21. It is well accepted that use of a disputed domain name for illegal or fraudulent activities, including phishing attempts, can never be held to be a legitimate use of the disputed domain name. In light of the clear evidence of the phishing attempt conducted by the Respondent, and that there is no legitimate use (or indeed any use) of the disputed domain name on the face of the website to which the disputed domain name resolves, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and therefore, the second element is satisfied.

### C) Bad Faith

22. To establish the third element, the Complainant must establish that the Respondent both registered and used the disputed domain name in bad faith. In this case, the Complainant has adduced evidence to show the phishing attempts conducted by the Respondent through misuse of the disputed domain name. This is an obvious case of bad faith and as such the Panel concludes that the third element is made out.

### 6. Decision

23. The Panel finds that the Complainant has satisfied all three elements of UDRP paragraph 4(a). Accordingly, the Panel orders that the disputed domain name <account-tiktok.com > be transferred to the Complainant.



David Allison  
Panelist  
Dated: 18 May 2020