

## **ADMINISTRATIVE PANEL DECISION**

Bytedance Ltd. v. Fu Yoh Lee

Case No. D2022-1330

### **1. The Parties**

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

The Respondent is Fu Yoh Lee, Malaysia.

### **2. The Domain Name and Registrar**

The disputed domain name <tt-wallet.com> is registered with Wix.com Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2022. On April 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 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 April 21, 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 May 11, 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 May 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 7, 2022.

The Center appointed Adam Taylor as the sole panelist in this matter on June 16, 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 operates various brands including TikTok, the well-known video-sharing social networking service. The TikTok app is ranked as “#1 in Entertainment” in the Apple app store and more than 500 million users have downloaded it from Google Play.

According to <similarweb.com>, the Complainant’s website at “www.tiktok.com” had a total of 1.5 billion visitors in February 2022.

The Complainant owns many trade marks for TIK TOK and TIKTOK including European Union trade mark No. 17913208 for TIK TOK, registered on October 20, 2018, in classes 9, 25, 35, 42 and 45. The Complainant also owns Indian trade mark no. 4400750 for TT4G, registered on January 7, 2020, in classes 9, 38, 41 and 42.

The disputed domain name was registered on November 12, 2021.

As of December 10, 2021, the disputed domain name resolved to a website that included a “TTWAllet” logo plus the heading: “Now We Are Online. Download TikTok Wallet and get Rewards NOW!” The website purported to offer an app enabling users to generate income via TikTok and other social media services.

A similar website appeared at another domain name, <tiktokwallet.xyz> with an identical logo except that “TTWAllet” was replaced by “Tiktokwallet”. This domain name was included within the Complaint, but later repossessed by the relevant registrar and transferred to the Complainant during the present proceeding.

#### **5. Parties’ Contentions**

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

The following is a summary of the Complainant’s contentions.

The Complainant’s TIK TOK / TIKTOK and TT4G trade marks are well known worldwide. The Complainant has made a significant investment in the promotion of its trade marks over the years.

The disputed domain name is confusingly similar to the Complainant’s trade marks.

As well as being generic, the term “wallet” is relevant to the Complainant’s service because the Complainant’s users can store virtual coins in a “wallet”. The term “TT” is commonly understood as an acronym for TIK TOK / TIKTOK and it was formerly used in this manner by the Respondent at the website to which the disputed domain name resolved.

The fact that the Respondent set out to impersonate the Respondent including by use of the Complainant’s logo and content copied from the Complainant’s own website is further evidence of confusing similarity.

The Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant has not authorised the Respondent to register the disputed domain name or to use its trade mark.

There is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent's use of the disputed domain name to impersonate the Complainant for phishing purposes or otherwise to illicitly profit from confusion on the part of Internet users does not constitute a *bona fide* offering of goods or services, or legitimate noncommercial or fair use of the disputed domain name.

The disputed domain name was registered and is being used in bad faith.

It is obvious from the nature of the disputed domain name, and the Respondent's website, that the Respondent was aware of the Complainant's famous mark.

The Respondent's registration and use of the disputed domain name for illegitimate purposes, namely phishing, is clear evidence of bad faith.

The Respondent set out to create a likelihood of confusion with the Complainant's mark and/or to disrupt the Complainant's business.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

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

### **A. Identical or Confusingly Similar**

The Complainant has established registered rights in the marks TIKTOK and TIK TOK, as well as unregistered trade mark rights deriving from the Complainant's extensive use of that marks.

Section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") makes clear that the first element functions primarily as a standing requirement. The test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trade mark and the disputed domain name. Where at least a dominant feature of the relevant mark is recognisable in the disputed domain name, it will normally be considered confusingly similar to that mark for purposes of UDRP standing.

As explained in sections 1.7 and 1.15 of [WIPO Overview 3.0](#), the overall facts and circumstances of a case, including relevant website content, may support a finding of confusing similarity in certain situations, particularly where it appears that the respondent registered the domain name precisely because it believed that the domain name was confusingly similar to a mark held by the complainant.

Section 1.8 of [WIPO Overview 3.0](#) makes clear that, where the relevant trade mark is recognisable within the disputed domain name, the addition of other terms, whether descriptive or otherwise, would not prevent a finding of confusing similarity under the first element.

Here, the disputed domain name consists of the letters "TT" – which the Respondent's website indicate was intended as an abbreviation of the Complainant's TIKTOK mark – plus the additional term "wallet", which does not prevent a finding of confusing similarity as explained above.

The disputed domain name is also confusingly similar to the Complainant's TT4G mark, of which "TT" is the dominant feature.

For the above reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trade mark and that the Complainant has therefore established the first element of paragraph 4(a) of the Policy.

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

As explained in section 2.1 of [WIPO Overview 3.0](#), the consensus view is that, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If not, the complainant is deemed to have satisfied the second element.

Here, the Complainant has not licensed or otherwise authorised the Respondent to use its trade mark.

Paragraph 4(c) of the Policy gives examples of circumstances which, if proved, suffice to demonstrate that a respondent possesses rights or legitimate interests.

As to paragraph 4(c)(i) of the Policy, for reasons explained below, the Panel considers that the Respondent has used the disputed domain name to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant's service. Such use of the disputed domain name could not be said to be *bona fide*.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy apply in the circumstances of this case.

The Panel finds that the Complainant has established a *prima facie* case of lack of rights or legitimate interests and there is no rebuttal by the Respondent.

For the above reasons, the Panel concludes that the Complainant has established the second element of paragraph 4(a) of the Policy.

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

For the following reasons, the Panel considers that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trade mark in accordance with paragraph 4(b)(iv) of the Policy.

First, the Respondent has selected a domain name consisting of the term "TT" which, for reasons explained in section 6A above, was plainly intended to denote the Complainant's mark, together with the descriptive term "wallet", which is referable to a feature of the Complainant's own service that enables users to store virtual coins in a "wallet".

Second, the Respondent has used the disputed domain name for a website that created the impression that it was officially associated with the Complainant including by use of an official-looking "TTWallet" logo as well as a prominent invitation to "[d]ownload TikTok Wallet".

Furthermore, the Respondent has not come forward to deny the Complainant's assertions of bad faith, including its claim that the Respondent was using the website at the dispute domain name to engage in phishing or other illicit activity, or to put forward any legitimate explanation for the Respondent's selection and use of the disputed domain name.

For the above reasons, the Panel considers that the Complainant has established the third element of paragraph 4(a) 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 <tt-wallet.com> be transferred to the Complainant.

*/Adam Taylor/*

**Adam Taylor**

Sole Panelist

Date: June 30, 2022