

ADMINISTRATIVE PANEL DECISION

TikTok Ltd. v. Ahmed Aburas
Case No. D2023-3922

1. The Parties

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

The Respondent is Ahmed Aburas, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <tiktokcoiin.com> (the “Disputed Domain Name”) 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 September 19, 2023. On September 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. A formal reminder was sent on September 26, 2023. On September 26, 2023, 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 (Redacted For Privacy (DT)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 2023, 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 September 28, 2023.

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 September 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 24, 2023.

The Center appointed Nicholas Weston as the sole panelist in this matter on November 14, 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 a Cayman Islands, United Kingdom registered company which owns a social media app used to create, share and watch short videos with more than 1 billion users globally. The Complainant holds registrations for the trademark TIK TOK, and variations of it, in several countries, including United States of America trademark registration No. 5653614 TIK TOK registered on January 15, 2019.

The Complainant is also the owner of, *inter alia*, the domain name <tiktok.com> registered on July 20, 1996, which resolves to the company's main website.

The Disputed Domain Name <tiktokcoiin.com> was registered on May 6, 2023. The Complainant has supplied uncontested evidence that the Disputed Domain Name is connected to a webpage at <tiktokcoiin.com> that claims to offer the Complainant's services, specifically, it claims offer "TikTok Coins", a virtual currency that users of the Complainant's services use.

5. Parties' Contentions

A. Complainant

The Complainant cites its trademark registrations of the trademark TIK TOK in various countries as *prima facie* evidence of ownership.

The Complainant submits that the mark TIK TOK is well known and that its rights in that mark predate the Respondent's registration of the Disputed Domain Name. It submits that the Disputed Domain Name is confusingly similar to its trademark, because the Disputed Domain Name incorporates in its entirety the TIK TOK trademark and that the similarity is not removed by the addition of the word "coiin", and the generic Top-Level Domain ("gTLD") ".com".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because it is not commonly known by the Disputed Domain Name, and because its web presence subsequently resolves to webpage that "claim[s] to offer Complainant's services, specifically, the [Disputed] Domain Name is used to claim offer "TikTok Coins", a virtual currency that users of the Complainant's services are able to use". The Complainant contends that such use is not "a bona fide offering, or for a legitimate noncommercial or fair use" and that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and Rules having regard to the widespread prior use and fame of the Complainant's trademark, and that given it was being used "to host a website that blatantly claims to be affiliated with or connected to the [C]omplainant, there is no plausible good-faith reason or logic for Respondent to have registered the Disputed Domain Name".

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

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

A. Identical or Confusingly Similar

The Complainant has produced evidence to demonstrate that it has registered trademark rights in the mark TIK TOK in numerous countries. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any country (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.2.1).

Turning to whether the Disputed Domain Name is identical or confusingly similar to the TIKTOK trademark, the Panel observes that the Disputed Domain Name comprises of : (a) an exact reproduction of the Complainant’s trademark TIK TOK; (b) with the word “coiin” added; (c) followed by the gTLD “.com”.

It is well-established that the gTLD used as technical part of a domain name may be disregarded. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: “tiktokcoiin” (see section 1.11.1 of the [WIPO Overview 3.0](#)).

It is also well established that where a domain name incorporates a complainant’s well-known and distinctive trademark in its entirety, it may be confusingly similar to that mark despite the addition of other terms (see [WIPO Overview 3.0](#), section 1.8).

This Panel finds that the addition to the trademark TIK TOK of the word “coiin” does not prevent a finding of confusing similarity.

The Panel finds that the Complainant has established paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy lists the ways that the respondent may demonstrate rights or legitimate interests in the disputed domain name. The Policy also places the burden on the complainant to establish the absence of respondent’s rights or legitimate interests in the disputed domain name. Because of the inherent difficulties in proving a negative, the consensus view is that the complainant need only put forward a *prima facie* case that the respondent lacks rights or legitimate interests. The burden of production then shifts to the respondent to rebut that *prima facie* case (see [WIPO Overview 3.0](#), section 2.1).

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the mark TIK TOK is a well-known trademark and the Complainant has not licensed, permitted or authorized the Respondent its use by the Respondent. The Complainant submits that “The website hosted on the Disputed Domain Name does not contain any disclaimers or any other indication accurately disclosing the lack of relationship with the Complainant. On the contrary the Respondent specifically claims that they are an authorized agent of the Complainant.” The Complainant also supplied a screen capture of the Respondent’s website that includes the TIK TOK logo along with an invitation for users to purchase a package of “Tik Tok points”.

On any objective view, the Respondent is not a reseller with a legitimate interest in a domain name incorporating a manufacturer's mark, such that it could meet the tests set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Nor, alternatively, is the Respondent commonly known by the Disputed Domain Name.

This Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because it is using a fake website masquerading as the Complainant operating under the brand TIK TOK for the purpose of misleading internet users based on the wide recognition of the Complainant's mark TIK TOK with the intention to deceive TIK TOK users into making a purchase and potentially submitting private and possibly sensitive user information.

It may therefore reasonably be inferred that the Respondent was opportunistically using the Complainant's mark in the furtherance of the perpetration of a fraud.

The Panel finds for the Complainant on the second element of the Policy.

C. Registered and Used in Bad Faith

The third element of the Policy requires that the complainant must also demonstrate that the disputed domain name has been registered and used in bad faith. Paragraph 4(b) of the Policy sets out certain circumstances to be construed as evidence of both of these conjunctive requirements.

The Panel finds that the evidence in the case shows that the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, given the composition of the Disputed Domain Name, the Panel is satisfied that the Respondent targeted the Complainant's trademark TIK TOK when it registered the Disputed Domain Name and the Panel is prepared to infer that the Respondent knew, or should have known, that its registration would be confusingly similar to the Complainant's trademark (see [WIPO Overview 3.0](#), section 3.2.2).

On the issue of use, the Complainant's evidence is that the Respondent attempted to deceive TIK TOK users into believing it was a legitimate website hosted at a domain name associated with the Complainant's TIK TOK brand. The obvious risk of deception or confusion as to the origin of such a website, or affiliation of the web presence with the Complainant is, in this Panel's view, the very essence of bad faith under paragraph 4(b)(iv) of the Policy (See [WIPO Overview 3.0](#), section 3.4).

Evidence was also furnished that the Disputed Domain Name subsequently resolved to a webpage unconnected with any *bona fide* supply of goods or services by the Respondent. Having regard to (i) the use of the Disputed Domain Name for *per se* illegitimate activity such as the sale of counterfeit goods or phishing, (ii) the Respondent's website deliberately seeking to cause confusion by hosting content purporting to offer TIK TOK branded coins for sale for the Respondent's commercial benefit, even if unsuccessful, (iii) the lack of the Respondent's own rights to or legitimate interests in the Disputed Domain Name, and (iv) the absence of any conceivable good faith use, such behavior is manifestly considered evidence of the Respondent's bad faith (see [WIPO Overview 3.0](#), section 3.1.4).

The Respondent's conduct calls for an explanation, which was not forthcoming. In the absence of any countervailing evidence, this Panel accepts the Complainant's evidence and finds that the Respondent has registered and used the Complainant's trademark TIK TOK in the Disputed Domain Name, without the Complainant's consent or authorization, for the likely purpose of capitalizing on the reputation of the trademark to infringe upon the Complainant's rights.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of 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, <tiktokcoiin.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: November 28, 2023