

ADMINISTRATIVE PANEL DECISION

Whaleco Inc., Whaleco Technology Limited v. Bai Xiqing
Case No. DBH2025-0001

1. The Parties

The Complainants are Whaleco Inc., United States of America (“United States”) and Whaleco Technology Limited, Ireland, represented by Whitewood Law PLLC, United States.

The Defendant is Bai Xiqing, China.

2. The Domain Name and Registry

The disputed domain name is <temu.bh> registered with Telecommunications Regulatory Authority (TRA) of the Kingdom of Bahrain (the “Registry”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2025. On January 24, 2025, the Center transmitted by email to the Registry a request for registrant verification in connection with the disputed domain name. On February 11, 2025, the Registry transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Defendant (name redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day providing the registrant and contact information disclosed by the Registry and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on February 11, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Regulation for Settling Disputes Related to the Registration of Domain Names, Trademarks and Trade Names (the “Dispute Resolution Regulation”), the Appendix Concerning Standard Proceedings for Settlement of Disputes Related to Domain Name Registration (the “Appendix to the Dispute Resolution Regulation”), and the WIPO Supplemental Rules for the Regulation for Settling the Disputes Related to the Registration of Domain Names, Trademarks and Trade Names (the “Supplemental Rules”).

In accordance with the Appendix to the Dispute Resolution Regulation, Clause (2), the Center formally notified the Defendant of the Complaint, and the proceedings commenced on February 12, 2025. In accordance with the Appendix to the Dispute Resolution Regulation, Clause (5), the due date for Response was March 4, 2025. The Defendant did not submit any Response. Accordingly, the Center notified the Defendant’s default on March 10, 2025.

Due to an apparent issue with notification, the Center granted the Defendant until March 19, 2025, to indicate whether it wishes to participate to this proceeding. The Defendant did not submit any Response.

The Center appointed Nayiri Boghossian as the one arbitration member in this matter on March 31, 2025. The Arbitration Panel finds that it was properly constituted. The Arbitration Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Appendix to the Dispute Resolution Regulation, Clause (7).

4. Factual Background

The Complainants are affiliated companies (hereafter referred to as the "Complainant"). The Complainant operate an online shopping platform through "temu.com." The Complainant through its affiliate is the exclusive licensee of many trademark registrations for TEMU such as:

1. United States Trademark Registration No. 7,164,306, registered on September 12, 2023 (first use September 1, 2022);
2. United States Trademark Registration No. 7,157,165, registered on September 5, 2023;
3. Australian Trademark Registration No. 2325260, registered on December 29, 2022.

The disputed domain name was registered on September 24, 2023. The disputed domain name redirects to the Complainant's website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical to a trademark in which the Complainant has rights. The Complainant contends that it has been using the trademark TEMU since August 10, 2022, and has registered the trademark TEMU worldwide. The disputed domain name comprises solely the Complainant's trademark. The country code Top-Level Domain ("ccTLD") ".bh" should be disregarded.

The Complainant contends that the Defendant has no rights or legitimate interests in the disputed domain name. There is no evidence that the Defendant is commonly known by the disputed domain name. The Defendant is not licensed or authorized to use the Complainant's trademark. The disputed domain name resolves to the Complainant's website. Accordingly, the Defendant is not making a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered a year after the launch of the Complainant's platform "temu.com" and after the registration of the Complainant's trademark. The Defendant clearly knew of the Complainant's rights in the trademark TEMU as the disputed domain name resolves to a website, which redirects to the Complainant's website. The Defendant had the Complainant in mind when registering the disputed domain name and while using it. The redirection to the Complainant's website heightens the confusion as to the origin or affiliation of the disputed domain name.

B. Defendant

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

6. Discussion and Findings

A. Identical or Similar

The Complainant has shown rights for the trademark TEMU in many jurisdictions. The entirety of the mark is reproduced within the disputed domain name. The ccTLD “.bh” should typically be ignored.

Consequently, the Panel finds that the disputed domain name is identical to the trademark in which the Complainant has rights, and that the Complainant has satisfied Article 7(A) of the Dispute Resolution Regulation.

B. Rights or Legal Interests

The Complainant has made a prima facie showing that the Defendant does not have any rights or legitimate interests in the disputed domain name, particularly by asserting that it never authorized the Defendant to use its trademark as part of the disputed domain name.

The Defendant has not provided evidence of circumstances of the types specified in Article 11 of the Dispute Resolution Regulation, or of any other circumstances, giving In particular, the Panel notes that the disputed domain name redirects to the Complainant’s website. Such use cannot give rise to rights or legal interests.

Consequently, the Panel finds that the Complainant has met the requirement under the Dispute Resolution Regulation of showing that the Defendant does not have any rights or legal interests in the disputed domain name. Accordingly, the Complainant has satisfied Article 7(B) of the Dispute Resolution Regulation.

C. Registered or Used in Bad Faith

The Defendant must have been aware of the Complainant and its trademark when it registered the disputed domain name as the Complainant’s trademark has been registered and was in use prior to the creation of the disputed domain name. More importantly, the disputed domain name redirects to the Complainant’s website.

The Panel finds that by using the disputed domain name for redirection to the Complainant’s official website, the Defendant retains control over the redirection thus creating a real or implied ongoing threat to the Complainant, which constitutes bad faith.

Such conduct falls squarely within the concept of registration or use in bad faith of the Dispute Resolution Regulation., and accordingly, the Panel finds that the Complainant has satisfied Article 7(C) of the Dispute Resolution Regulation.

7. Decision

For the foregoing reasons, in accordance with the Dispute Resolution Regulation, Article (30), and the Appendix to the Dispute Resolution Regulation, Clause (15), the Arbitrator Panel orders that the domain name <temu.bh> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Panelist

Date: April 11, 2025