

ADMINISTRATIVE PANEL DECISION

Whaleco Inc., Whaleco Technology Limited v. Nathan Crutchfield, Amazon
Case No. D2025-2248

1. The Parties

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

Respondent is Nathan Crutchfield, Amazon, United States.

2. The Domain Name and Registrar

The disputed domain name <temu.media> (the “Domain Name”) 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 June 9, 2025. On June 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent (Registration Private) and contact information in the Complaint. The Center sent an email communication to Complainants on June 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amendment to the Complaint on June 11, 2025.

The Center verified that the Complaint, together with the amendment to the 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 Respondent of the Complaint, and the proceedings commenced on June 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 9, 2025.

The Center appointed Clive L. Elliott K.C., as the sole panelist in this matter on July 11, 2025. 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

Complainants comprise Whaleco Inc, with its principal place of business in Boston, Massachusetts, and Whaleco Technology Ltd, a company organized under the laws of Ireland (hereinafter jointly referred to as “Complainants”). Complainants belong to the same group of companies and affiliates, doing business as TEMU and operating the TEMU marketplace in the United States and globally. Both Complainants have legal rights in the TEMU trademark and say they have a common grievance against Respondent. Additionally, they indicate that they have been joint parties to previous proceedings relating to domain names incorporating the TEMU trademarks.

Complainants operate an online shopping platform (the “Platform”) accessible through its website “www temu.com” and mobile applications available for free to download through the Apple App Store and Google Play Store. The Platform was launched in the United States in September 2022 and now operates in over 90 different countries across the world.

The Platform is a global online platform bringing together consumers with merchants, manufacturers, and brands around the world, offering a growing selection of merchandise in varied product categories.

Complainants, through their affiliate Five Bells Limited, are the exclusive licensee of various registered trademarks for the mark TEMU (Complainants’ Mark), including but not limited to:

| Mark | Jurisdiction | Registration No. | Registration Date | Classes |
|---|----------------|------------------|--------------------|---------------|
|  | European Union | 018746904 | November 25, 2022 | 9, 35, 38, 42 |
|  | United States | 7,164,306 | September 12, 2023 | 35 |
|  | United States | 7,157,165 | September 5, 2023 | 9 |
|  | United States | 7,145,476 | August 22, 2023 | 35 |

According to the publicly available Whois, the Domain Name was created on February 9, 2025, and at the date of this Complaint, the Domain Name resolved to a parked page containing pay-per-click links as well as an invitation to purchase the Domain Name.

5. Parties' Contentions

A. Complainants

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainants contend that Complainants' Mark has no other recognizable meaning apart from it serving as a brand of Complainants and that the Domain Name is confusingly similar to Complainants' Mark in that it comprises Complainants' Mark in its entirety, with the addition of a "dot" and the general term "media".

Complainants contend that they have used Complainants' Mark in commerce throughout the United States continuously since 2022, having expended substantial resources in marketing and promoting Complainants' Mark, including significant investments in creating the Platform infrastructure. As such, Complainants assert that Complainants' Mark is distinctive, is closely identified with Complainants and represents substantial and valuable goodwill.

In particular, Complainants contend that there is no evidence to suggest that Respondent is commonly known by the Domain Name, nor can Respondent's registration of the Domain Name be considered a bona fide offering of goods or services, as it resolves to a parked page containing pay-per-click links for generation of advertising revenue. Complainants also assert that the page displays a link offering Internet users the possibility to "get this domain".

Complainants go on to add that the Domain Name supports a subdomain "pay temu media" which directs Internet users to a payment page prominently displaying Complainants' Mark at the top of the page. Complainants submit that given their Platform is widely known for e-commerce, which is closely associated with online payments, this subdomain is likely to mislead users into believing they are interacting with Complainants' authorized payment platform. Complainants further state that this deceptive use exploits users' trust in Complainants' brand and may mislead them into disclosing sensitive financial information or making unauthorized payments, thereby posing a significant risk of phishing or fraud. This risk, Complainants assert, is heightened when Respondent has configured mail exchange ("MX") records, indicating a potential intent to send or intercept email communications for deceptive or fraudulent purposes.

Thereby, Complainants allege that Respondent has no rights or legitimate interests in the Domain Name, but rather, Respondent has engaged in bad faith registration and use in connection with the Domain Name by intentionally registering the Domain Name with Complainants in mind, in an effort to take advantage and capitalize financially from the Domain Name using Complainants' Mark.

B. Respondent

Respondent did not reply to Complainants' contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainants' Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainants have shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Complainants' Mark is incorporated in its entirety within the Domain Name. The Panel finds that the Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a Domain Name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds Complainants have established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not questioned or rebutted Complainants' prima facie showing and has not provided an argument or relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy or otherwise.

In the present case, the Domain Name resolves to a parked page containing pay-per-click links for generation of advertising revenue and the page displays a link offering Internet users the possibility to "get this domain". Presumably, this suggests that the Domain Name is available for purchase. In addition, Complainants allege that the Domain Name supports a subdomain "pay.temu.media" which directs Internet users to a payment page containing Complainants' Mark. Complainant's submit that this is likely to mislead users into believing they are interacting with Complainants' authorized payment platform. Such activity allows the inference to be drawn that the Domain Name may be employed to impersonate Complainants and that this, in turn, creates a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel notes that the composition of the Domain Name, incorporating Complainants' Mark in its entirety, and Complainants' use of Complainants' Mark, as discussed above, suggests Respondent knew of and sought to take advantage of Complainants' Mark when registering the Domain Name.

As noted above, Respondent has not put forward any plausible explanation for the choice of the Domain Name. Absent such explanation, the Panel considers that with the configuration of MX records, there is a significant risk that communications originating from or associated with the Domain Name would be misleading or deceptive, falsely suggesting a connection with Complainant.

Based on the above two factors, the Panel is satisfied that Respondent has taken unfair advantage of and capitalized financially from the Domain Name using Complainants' Mark as described in two paragraphs directly above and that this constitutes bad faith conduct.

Accordingly, Complainants have established the third element 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 Domain Name <temu.media> be transferred to the Complainant.

/Clive L. Elliott K.C./

Clive L. Elliott K.C.

Sole Panelist

Date: August 1, 2025