

ADMINISTRATIVE PANEL DECISION

Whaleco Inc. and Whaleco Technology Limited v. Oliver HOEGER
Case No. D2025-4096

1. The Parties

The Complainants are Whaleco Inc. ("Complainant No. 1"), United States of America ("United States") and Whaleco Technology Limited ("Complainant No. 2"), Ireland, internally represented.

The Respondent is Oliver HOEGER, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <temu.africa> is registered with NETIM SARL (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 2, 2025. On October 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 2025, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on October 10, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on October 14, 2025.

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 October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 6, 2025.

The Center appointed Andrea Mondini as the sole panelist in this matter on November 13, 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

The Complainant No. 1 is a company organized under the laws of the United States, while the Complainant No. 2 is a company organized under the laws of Ireland. The Complainants belong to the same group of companies operating an online shopping platform connecting consumers with sellers, manufacturers, and brands around the world, which is accessible through the Complainants' official website at "www temu.com" as well as through mobile applications. The online shopping platform <temu.com> was launched in September 2022, operates today in 90 countries, and its e-commerce app has been downloaded more than 100 million times.

The Complainants, directly or through their affiliate Five Bells Limited, owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE
TEMU	European Union	018742564	November 18, 2022
TEMU (logo)	European Union	018754877	December 17, 2022
TEMU	South Africa	2023/29047	October 13, 2023

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain name was registered on February 7, 2023.

According to the evidence submitted with the Complaint, the disputed domain name initially resolved to a parking website offering it for sale for USD 8,000. Since at least August 23, 2025, the disputed domain name automatically redirects to <temu.com>, the Complainants' official website.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend as follows:

The trademark TEMU has been extensively used globally to identify the Complainants and their services. The disputed domain name is identical or confusingly similar to the TEMU trademark in which the Complainants have rights, because it incorporates this trademark in its entirety, and the addition of the generic Top-Level-Domain ("gTLD") ".africa" does not affect the determination that the disputed domain name is identical to the Complainants' trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainants to use their trademark, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the initial evidence preservation conducted by the Complainants on February 12, 2025, confirmed that the disputed domain name resolved to a parking page that displayed the message: "The owner of temu.africa is offering it for sale for an asking price of 8000 USD!" along with a functional "Buy this domain" button. Since at least August 23, 2025, the disputed domain name automatically redirects to <temu.com>, the Complainants' official website. Such uses do not support a finding of rights or legitimate interests.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both of the Complainants and their well known trademark TEMU at the time it registered the disputed domain name.

The Respondent is using the disputed domain name in bad faith, by initially offering the disputed domain name for sale for USD 8,000 and then later redirecting it to the Complainants' website, thereby creating a false impression of association with the Complainants.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

6.1 Consolidation due to Multiple Complainants

The amended Complaint was filed in relation to nominally different complainants. Paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.11.1.

Given that the Complainants are affiliated companies and both have legal rights in the TEMU trademarks, they both have a common grievance against the Respondent. As regards fairness, the Panel sees no reason why consolidation of the disputes would be inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Complainants in a single proceeding.

6.2 Substantive issues

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainants' trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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

The Panel finds the entirety of the TEMU mark is identically reproduced within the disputed domain name.

The addition of the gTLD ".africa" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that for a complainant to prove that 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 the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Complainants have shown that the disputed domain name initially resolved to a parking page offering it for sale for USD 8,000. It is well established that such use does not establish the Respondent's rights or legitimate interests. See *Missoni S.p.A. v. Zhao Ke*, WIPO Case No. [D2011-1768](#). The later redirection of the disputed domain name to the Complainants' official website does not establish the Respondent's rights or legitimate interests either but further perpetuates confusion among users regarding the source or affiliation of the disputed domain name.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has not rebutted the Complainants' prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Furthermore, the composition of the disputed domain name itself suggests a connection or implied affiliation between the Complainants and the Respondent which in fact does not exist. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, 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. [WIPO Overview 3.0](#), section 3.2.1.

In the view of the Panel, noting that the Complainants' use and registration of the TEMU trademark predate the registration of the disputed domain name and considering that the Complainants' trademark is well-known and that the disputed domain name resolves to the Complainants' official website, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainants' well known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The Complainants have shown that the disputed domain name resolved to a parking page that displayed the message: "The owner of temu. africa is offering it for sale for an asking price of 8000 USD!" which may be in excess of the Respondent's documented out-of-pocket costs. Such use is indicative of bad faith in the sense of Policy, paragraph 4(b)(i). Moreover, by later redirecting the disputed domain name to the Complainants' official website, the Respondent attempted to create a false impression of association with the Complainant which in fact does not exist, which further demonstrates use in bad faith.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

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 <temu.africa> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: November 21, 2025