

ADMINISTRATIVE PANEL DECISION

Whaleco Inc., Whaleco Technology Limited v. Jason Land
Case No. D2025-4302

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 Respondent is Jason Land, Estonia.

2. The Domain Name and Registrar

The disputed domain name <temu.kids> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 21, 2025. On October 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 21, 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 representative of the Complainants on October 24, 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 27, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 20, 2025.

The Center appointed Masato Dogauchi as the sole panelist in this matter on November 24, 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

There are two Complainants, one of which is a corporation established under the laws of Delaware, United States, with its principal place of business in California ("First Complainant"), and the other of which is a corporation established under the laws of Ireland ("Second Complainant"). They belong to the same group of companies and affiliates, and operate their online shopping marketplace accessible through its website ("www temu.com"). The marketplace was launched in the United States in September 2022 and has become popular in over 90 different countries across the world. It is offering a selection of merchandise in product categories such as clothing, consumer goods, cosmetics, appliances, and electronics.

The Complainants, through their affiliate (Five Bells Limited), have registered TEMU trademark in many jurisdictions, such as:

- European Union Registration for TEMU No. 018746904, registered on November 25, 2022;
- United States Registration for TEMU No. 7,145,476, registered on August 22, 2023; and
- United States Registration for TEMU No 7,164,306, registered on September 12, 2023.

The disputed domain name was registered on December 16, 2024. The disputed domain name resolves to a webpage prominently displaying the Complainants' trademark with clickable links redirecting users to the Complainants' website "www temu.com". Further, on this webpage there is a clickable link labeled "200 €Coupon Bundle", accompanied by the instruction: "Click here to get the 200€ Coupon Bundle". And those who click this message are led to another webpage on which they are requested to fill out their personal data in order to get the false coupon.

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.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 Preliminary Issue: Consolidation and Request

Consolidation of two Complainants into a single proceeding is permissible in this case, since these Complainants have specific common grievance against the Respondent, and it would be equitable and procedurally efficient to permit the consolidation. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1.

The Complainants are herein collectively referred to as the "Complainant".

6.2 Substantive Issues

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any substantive arguments in this case, the following decision is rendered on the basis of the Complainant's contentions and other evidence submitted by the Complainant.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainant must prove each of the following:

- (i) The disputed domain name is identical or confusingly similar to a 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.

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of its TEMU trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name includes the TEMU trademark in which the Complainant has rights as a whole. Such fact supports a finding that the disputed domain name is identical to the TEMU trademark. [WIPO Overview 3.0](#), section 1.7. It is well established that Top-Level Domain ("TLD"), ".kid" contained in the disputed domain name should be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, 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 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 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 Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name and the Respondent did not come forward with relevant evidence rebutting the prima facie case.

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.

In the present case, in consideration of the fact that the Complainant has been operating an online shopping marketplace offering merchandise accessible through its website (“www.temu.com”) since September 2022, which has become popular in over 90 different countries across the world, it is unlikely that the Respondent was unaware of the Complainant’s TEMU trademark at the time of registration of the disputed domain name on December 16, 2024. In addition, it should be noted that the Respondent registered the disputed domain name through a privacy shield service. Therefore, it is found that the Respondent registered the disputed domain name in bad faith.

On the other hand, with regard to the requirement that the disputed domain name is being used in bad faith, the use of the disputed domain name in this case clearly shows that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the trademark in which the Complainant has rights as to the source of the Respondent’s website or location or of a product or service on the Respondent’s website or location. This is a typical case of bad use. Policy, paragraph 4(b)(iv).

Accordingly, the Panel finds that the Complainant has 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 disputed domain name <temu.kids> be transferred to the Complainant.

/Masato Dogauchi/

Masato Dogauchi

Sole Panelist

Date: December 1, 2025