ADMINISTRATIVE PANEL DECISION

Whaleco Inc., Whaleco Technology Limited v. Tibor Sturm, TemuTreasureShop
Case No. D2025-4972

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 Tibor Sturm, TemuTreasureShop, Malta.

2. The Domain Name and Registrar

The disputed domain name <temutreasure.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 28, 2025. On December 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 1, 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 December 3, 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 amendment to the Complaint on December 4, 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 the Respondent of the Complaint, and the proceedings commenced on December 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 26, 2025.

The Center appointed Gonçalo M. C. Da Cunha Ferreira as the sole panelist in this matter on January 6, 2026. 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 Complainants form part of the Whaleco group of companies, which operates a global online e-commerce marketplace under the brand TEMU, accessible via “www.temu.com” and corresponding mobile applications.

The Complainants through its affiliate Five Bells Limited is the exclusive licensee of the registered trademark TEMU, including in particular:

United States Trademark Registration No. 7,164,306, registered on September 12, 2023, for the word mark TEMU, covering the provision of an online marketplace for buyers and sellers of goods and services;

United States Trademark Registration No. 7,157,165, registered on September 5, 2023, for the word mark TEMU, covering downloadable computer application software for online shopping and related services;

European Union Trademark Registration No. 018754877, registered on December 12, 2022, for the word mark TEMU, covering online marketplace, advertising, and related services.

The TEMU platform was launched in the United States in September 2022 and has since expanded rapidly, operating in more than 90 countries and achieving significant global recognition.

The disputed domain name <temutreasure.com> was registered on June 6, 2025.

According to the record, at the time of filing of the Complaint, the disputed domain name resolved to a commercial website operating an online store. The website prominently displayed the sign “Temu Treasure”, incorporated the TEMU trademark in multiple locations, and included representations such as “The Best Temu Deals On The Planet”. The website offered goods for sale in direct competition with the Complainants’ online marketplace.

There is no evidence of any authorization, license, or other relationship between the Parties.

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.
In particular, the Complainants contend that:

1. the Complainants have continuously used the the mark TEMU in commerce throughout the United States since at least as early as September 1, 2022;
2. the disputed domain name incorporates the TEMU mark in its entirety, with the mere addition of the descriptive term “treasure”, which is insufficient to avoid confusing similarity;
3. the addition of the term “treasure” reinforces, rather than dispels, the false impression of an association with the TEMU marketplace;
4. the Respondent is not affiliated with the Complainants and has never been authorized, licensed, or otherwise permitted to use the TEMU mark;
5. the Respondent is not commonly known by the disputed domain name;

6. the disputed domain name has been used to operate a commercial website impersonating or falsely suggesting an association with the Complainants;
7. such use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use;
8. the Respondent registered the disputed domain name with knowledge of the Complainants and of the TEMU trademark;
9. the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainants' mark as to source, sponsorship, affiliation, or endorsement.

B. Respondent

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

6. Discussion and Findings

The Panel notes that the Complaint has been brought by two affiliated entities, Whaleco Inc. and Whaleco Technology Limited. Consolidation of multiple complainants may be appropriate where (i) the complainants have a specific common grievance against the respondent (or the respondent has engaged in common conduct affecting them in a similar fashion), and (ii) consolidation would be fair and procedurally efficient. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.11.1.

On the record, the Complainants form part of the same corporate group and assert rights and a common grievance concerning the Respondent's registration and use of the disputed domain name incorporating the TEMU mark. In the absence of any apparent prejudice to the Respondent, the Panel finds it fair and procedurally efficient to allow the Complaint to proceed on a consolidated basis.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Although the addition of other terms here, "treasure" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

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.

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.

The use of the disputed domain name to operate a commercial website that incorporates the TEMU trademark and offers goods in direct competition with the Complainants' services, while creating a false impression of association or endorsement, does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use. Such conduct amounts to impersonation or passing off, which can never confer rights or legitimate interests. WIPO Overview 3.0, section 2.13.1.

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, the Panel notes that the Respondent registered the disputed domain name with knowledge of the Complainants and the TEMU trademark, which is distinctive and widely recognized. The incorporation of the TEMU mark in its entirety, combined with a term suggestive of promotional offerings ("treasure"), supports a finding of intentional targeting of the TEMU e-commerce marketplace.

The Respondent's use of the disputed domain name to operate a competing e-commerce website, prominently displaying the TEMU mark and related representations, demonstrates an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement. This constitutes bad faith under paragraph 4(b)(iv) of the Policy. WIPO Overview 3.0, section 3.2.1.
The Respondent's failure to submit any Response or to provide any plausible good-faith explanation for the registration and use of the disputed domain name further supports an inference of bad faith.
Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith, and that the third element of the Policy has been established.

The Panel finds that the 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 disputed domain name <temutreasure.com> be transferred to the Complainants.

/Gonçalo M. C. Da Cunha Ferreira/
Gonçalo M. C. Da Cunha Ferreira
Sole Panelist
Date: January 11, 2026