ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Whaleco Inc. and Whaleco Technology Limited v. Domain Privacy, Domain Name Privacy Inc
Case No. D2025-4973

1. The Parties

The Complainants are Whaleco Inc., United States of America ("United States" or "U.S."),\ and Whaleco Technology Limited, Ireland (hereinafter collectively be referred to as the "Complainant"), represented by Whitewood Law PLLC, United States.

The Respondent is Domain Privacy, Domain Name Privacy Inc, Cyprus.

2. The Domain Names and Registrar

The disputed domain names <temu.company> and <temu.pro> are registered with Communigal Communications Ltd. (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 names. On December 2, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which partly differed from the named Respondent (Registration Private, Domain Name Privacy Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 8, 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 December 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 5, 2026.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on January 19, 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 first Complainant in these administrative proceedings is Whaleco Inc., a Delaware, United States, corporation founded in 2022. The second Complainant is Whaleco Technology Limited, a company organized under the laws of Ireland, founded in 2022. Both companies belong to the same group of affiliates operating the TEMU marketplace in the U.S. and globally.

The Complainant is the exclusive licensee of the following trademarks owned by its affiliated company:

- United States Trademark Registration No. 7,164,306 for the word mark TEMU for "Provision of an online marketplace for buyers and sellers of goods and services", in class 35, registered on September 12, 2023.

- United States Trademark Registration No. 7,157,165 for the word mark TEMU for "Downloadable computer application software for mobile phones, namely, software for online shopping; Downloadable computer programs for online shopping; Downloadable computer software for use as an electronic wallet; Downloadable computer software for online shopping; Recorded computer programs for online shopping", in class 9, registered on September 5, 2023.

- United States Trademark Registration No. 7,145,476 for the TEMU logo mark for "Provision of an online marketplace for buyers and sellers of goods and services", in class 35, registered on August 22, 2023.

The Complainant also owns the domain name <temu.com>.

The Respondent is reportedly located in Cyprus.

The disputed domain names were registered on February 14, 2025, and February 9, 2025, and resolve to pay-per-click pages, displaying the mark TEMU, with the same layout, with messages informing that the domain names may be for sale. The domain name <temu.company> displays links for AI Video Creators and other software services, while <temu.pro> displays links for music and entertainment-related services. Both of the disputed domain names have previously redirected to the Complainant's official website at the domain name <temu.com>.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the trademark in which it has rights, that the Respondent has no rights or legitimate interests with respect to the disputed domain names, and that the disputed domain names were registered and used in bad faith.

The Complainant requests a transfer of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

(i) the disputed domain names are 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 names; and
(iii) the disputed domain names have been registered and are 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.

Based on the available record, the Panel finds the Complainant has 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 that the entirety of the TEMU trademark is reproduced within the disputed domain names. Accordingly, the disputed domain names are identical to that trademark 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 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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names, such as those enumerated in the

Policy or otherwise.

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 finds that the Respondent was clearly aware of TEMU mark as the disputed domain names are identical to the mark and are used to display pay-per-click advertisement links.
The Panel finds that the Respondent attempted to attract Internet users to its websites for commercial gain in bad faith by creating a likelihood of confusion with the Complainant's mark.

Additionally, the Complainant has provided evidence that the disputed domain names at some point redirected to the Complainant's official website, which is bad faith. WIPO Overview 3.0, section 3.1.4.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.0, section 3.2.1.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 names <temu.company> and <temu.pro> be transferred to the Complainant.

/Mario Soerensen Garcia/
Mario Soerensen Garcia
Sole Panelist
Date: February 2, 2026