

ADMINISTRATIVE PANEL DECISION

Whaleco Inc. and Whaleco Technology Limited v. iam find
Case No. D2026-0772

1. The Parties

The Complainants are Whaleco Inc., United States of America (“United States”) and Whaleco Technology Limited, Ireland, represented by Thomsen Trampedach GmbH, Switzerland.

The Respondent is iam find, Lao People's Democratic Republic.

2. The Domain Name and Registrar

The disputed domain name <temu-shop.online> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 23, 2026. On February 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 2026, 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 February 27, 2026, 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 March 3, 2026.

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 March 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 30, 2026.

The Center appointed Mladen Vukmir as the sole panelist in this matter on April 8, 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 are part of the Whaleco group of companies, which operates a global online e-commerce marketplace under the TEMU brand.

The Complainants, through their affiliate Five Bells Limited as the exclusive licensee, hold numerous registered trademarks across various jurisdictions including: United States Trademark Registration No. 7164306 for the word mark TEMU, registered September 12, 2023, for class 35, United States Trademark Registration No. 7157165 for the word mark TEMU, registered September 5, 2023, for class 9, and European Union Intellectual Property Office (“EUIPO”) Registration No. 018742564 for the word mark TEMU, registered November 18, 2022, for classes 9, 35, 38, and 42 of the International Classification (the “TEMU trademarks”).

The Complainants’ platform, which operates through the domain name <www temu.com> and corresponding mobile applications, offers a wide selection of merchandise across various product categories and has achieved significant global presence.

The disputed domain name was registered on January 8, 2026. At the time the Complaint was filed, it resolved to a website closely imitating the Complainants’ official platform, reproducing the TEMU logo, as well as its distinctive color scheme and overall layout.

5. Parties’ Contentions

A. Complainants

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

Notably, the Complainants contend that:

- i) it operates the global e-commerce platform TEMU and, through its affiliate Five Bells Limited, is the exclusive licensee of valid and subsisting registered and common law trademarks in the United States and worldwide, and that the platform has been designated by the European Commission as a very large online platform on account of having more than 45 million monthly active users in the European Union.
- ii) the disputed domain name is identical or confusingly similar to its TEMU trademarks. The disputed domain name incorporates the Complainants’ TEMU trademarks in its entirety as its leading and dominant component. The descriptive term “shop” does nothing to alleviate user confusion; rather, it compounds it by describing the exact nature of Complainants’ industry (e-commerce). The Top-Level Domain (“TLD”) “online” is irrelevant in determining similarity.
- iii) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainants have not licensed, otherwise permitted or authorized the Respondent to use the TEMU Trademarks or brand. There is no trademark registration of TEMU, nor business registration by the registrant that can be found. The Respondent is not commonly known by “temu”, and is using the disputed domain name to host a phishing website that impersonates the Complainants’ official platform.

iv) the disputed domain name was registered and is being used in bad faith. The Complainants' trademark TEMU is highly distinctive and famous in the world, having been continuously and extensively used since 2022. The Respondent's choice of the disputed domain name is not a coincidence, given the global fame and pervasive online presence of the TEMU trademark. The website is a near-identical replica of the Complainants' official platform, misappropriating the TEMU logo, color scheme, and overall layout, clearly designed to deceive Internet users. The inconsistent use of "tamu" is a transparent attempt to create a "veneer" of distinctness while capitalizing on the Complainants' goodwill. The Respondent has refused to cease infringing activities despite multiple formal phishing reports.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

The Complaint in this proceeding was filed by two entities, Whaleco Inc. and Whaleco Technology Limited, which are presented as belonging to the same group of companies and affiliates operating under the TEMU brand. The Complainants assert common legal interests in the TEMU trademarks. UDRP panels generally allow consolidation of multiple complainants into a single administrative proceeding when the complainants are related entities (e.g., parent companies, subsidiaries, or licensees) and collectively hold rights in a trademark that is the subject of the dispute, and where the disputed domain name affects their common interests. This approach is consistent with established UDRP practice for ensuring efficient dispute resolution. The Panel finds that the consolidation of Whaleco Inc. and Whaleco Technology Limited as co-Complainants is appropriate in this proceeding, in line with WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)", section 4.11.1"). Thereinafter, both Complainants will be referred to as "The Complainant".

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The TEMU trademarks are registered before the competent authorities worldwide, with registration dates preceding the registration date of the disputed domain name. The Panel therefore finds that the Complainant has established rights in the TEMU trademarks.

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 3.1](#), section 1.7.

Although the addition of other terms (here, a hyphen and the term "shop") 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 3.1](#), section 1.8. The Panel further notes that the applicable TLD (".online") is generally disregarded for the purpose of the comparison under the first element. [WIPO Overview 3.1](#), 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 proving 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 3.1](#), 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 name. 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 name such as those enumerated in the Policy or otherwise. The Complainant has not licensed or authorized the Respondent to use the TEMU trademarks, and there is no evidence that the Respondent is commonly known by the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, including phishing, copycat websites and passing off, can never confer rights or legitimate interests on a respondent, as reflected in section 2.13.1 of the [WIPO Overview 3.1](#). The disputed domain name resolves to a website that impersonates the Complainant’s official platform, which does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Panel notes the Respondent’s use of “tamu” in the “About Us” section as a clear attempt to mislead users while still capitalizing on the Complainant’s goodwill.

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 has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the TEMU mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. This is explicitly covered by Policy, Paragraph 4(b)(iv).

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that may indicate bad faith. [WIPO Overview 3.1](#), section 3.2.1. The Panel finds that the Respondent was aware of the Complainant and the TEMU trademarks at the time of registration of the disputed domain name, given the global fame and pervasive online presence of the TEMU brand which predates the disputed domain name registration. The Respondent’s choice of disputed domain name and the replication of the Complainant’s website design and logo further support this finding.

Panels have held that the use of a domain name for illegitimate activity, including phishing, copycat websites, and passing off, constitutes bad faith, as reflected in section 3.4 of the [WIPO Overview 3.1](#). Having reviewed the record, the Panel finds that the Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy. The Respondent’s actions in hosting a near-identical replica of the Complainant’s platform and repeatedly reactivating the infringing website despite formal phishing reports demonstrate a clear intent to defraud the public and to capitalize on the Complainant’s reputation for commercial gain.

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-shop.online> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: April 22, 2026