

ADMINISTRATIVE PANEL DECISION

Whaleco Inc. v. YANG HUITING

Case No. DAI2026-0021

1. The Parties

The Complainant is Whaleco Inc., United States of America (“United States”), represented by Thomsen Trampedach GmbH, Denmark.

The Respondent is YANG HUITING, China.

2. The Domain Name and Registrar

The disputed domain name <temu.ai> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2026. On April 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 (Whois Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 2, 2026, 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 April 8, 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 April 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2026. The Response was filed with the Center on April 23, 2026. The Complainant filed a Supplemental filing on April 27, 2026.

The Center appointed John Swinson as the sole panelist in this matter on April 29, 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 Complainant is a Delaware corporation from the United States, with its principal place of business in Boston, United States. The Complainant is part of the group of companies that operate the TEMU online marketplace platform at <temu.com>.

A British Virgin Islands, United Kingdom, company named Five Bells Limited owns a United States trademark registration for TEMU, being registration number 7164306 that was filed on August 10, 2022, and registered on September 12, 2023, in class 35. This registration claims a date of first use of TEMU as September 1, 2022. Five Bells Limited also has trademark registrations in other jurisdictions.

The Complainant asserts that the Complainant is the exclusive license from Five Bells Limited of the TEMU trademarks and that Five Bells Limited is an affiliate company of the Complainant.

According to the WHOIS records, the disputed domain name was registered on September 2, 2022.

The Respondent is an individual who has an address in China. The Respondent states that the Respondent registered the disputed domain name for an AI-powered aerial remote sensing image analysis project.

The disputed domain name resolves to a registrar-generated parking page.

The disputed domain name has been listed for sale on the Sedo platform. The Respondent claims that on February 12, 2026, the Complainant made an offer of USD 10,000, which the Respondent rejected and countered with USD 165,000, and that the UDRP Complaint was filed within minutes of the failed price negotiation.

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 name.

In summary, the Complainant contends that the "TEMU" is not a generic term. It is a fanciful trademark; a coined word that had no prior meaning in the English language (or most others) before the company was established. TEMU is not a general phrase used in Chinese language either.

The Complainant's domain name <temu.com> was launched in the United States on September 1, 2022, and quickly became the most downloaded e-commerce app, surpassing 100 million downloads on the Google Play Store alone, and has been one of the most downloaded free applications on both the Google Play Store and the Apple App Store to date.

The Respondent is a professional domain name trader.

The disputed domain name was registered just one day after the Complainant's online shopping platform was launched. The timing of the Respondent's registration of the disputed domain name on September 2, 2022, provides overwhelming evidence of bad faith targeting. It is statistically inconceivable that the Respondent independently conceived of the distinctive, non-dictionary term "TEMU" and paired it with the technologically relevant ".ai" extension during the exact week of the Complainant's market entry.

The disputed domain name was listed for sale on Sedo at a price of USD 17,600 in August 2023, USD 68,000 in September 2024 and of minimum USD 10,000 in April 2025. Selling the disputed domain name for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly indicates the bad faith of the Respondent.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent makes the following submissions.

The disputed domain name is not identical or confusingly similar to a trademark in which the Complainant had enforceable rights predating Respondent's registration.

The Respondent has legitimate rights and interests in the disputed domain name, derived from (a) the inherently distinctive and independent Chinese origin of the "TeMu" brand; (b) the disputed domain name's registration four days before Complainant's earliest Chinese trademark rights; and (c) the complete absence of any targeting or competitive intent.

The disputed domain name was not registered and is not being used in bad faith.

The temporal impossibility of the Respondent targeting a launch that was either (a) already 8 days old (if August 25, 2022); or (b) occurring simultaneously during nighttime hours in a different time zone with no publicity, confirms the coincidental nature of the timing of the registration of the disputed domain name.

The Complainant attempted to acquire the disputed domain name on February 12, 2026, and when unsuccessful, negotiation failure was followed immediately by UDRP Complaint. This demonstrates that this proceeding is not a good-faith trademark enforcement action, but rather a "Plan B" attempt to acquire the disputed domain name through coercion after failing to secure it at the desired price. The Respondent requests a finding of Reverse Domain Name Hijacking.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 or is being used in bad faith.

The onus of proving these elements is on the Complainant.

An asserting party needs to establish that it is more likely than not that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants and respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

Supplemental Filing

The Complainant filed a Supplemental Filing.

Paragraphs 10 and 12 of the Rules grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. While paragraph 10(d) states that: “The Panel shall determine the admissibility, relevance, materiality and weight of the evidence”, paragraph 12 provides that: “In addition to the complaint and the response, the Panel may request, in its sole discretion, further statements or documents from either of the Parties”. As a general matter, unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. UDRP panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), and *PLUG & Play, LLC v. Matt Morris*, WIPO Case No. [D2018-2385](#).

However, the Complainant has shown sufficient reasons to convince the Panel that a supplemental filing is warranted in this case. The Supplemental Filing is narrowly focused and addresses factual issues raised in the Response that to some extent could not have been naturally anticipated when preparing the Complaint, and that the Panel considers it is reasonable and fair for the Complainant to comment on. While the Complainant already addressed in its Complaint the circumstances surrounding the registration date of the disputed domain name, the Panel notes that the Supplemental Filing refers to certain aspects that arise from the Response and annexes, and particularly the Respondent’s Annex relevant to assessing the publicity of TEMU prior to the Respondent’s registration of the disputed domain name. While some of these Annexes were in Chinese, the Panel has been able to review those using automatic translation tools.

The Panel notes that the Respondent was copied to the Complainant’s Supplemental Filing and did not reply or object to it, and noting the nature of the Complainant’s submission which refers to facts arising from the Response and annexes, the Panel does not find it prejudicial or unfair to accept the Supplemental Filing for consideration in this proceeding.

The Panel has decided to consider the Supplemental Filing, and that no further procedural steps are necessary in this regard.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Complainant does not own the TEMU trademark relied upon by the Complainant. The TEMU trademark is owned by Five Bells Limited, which is asserted to be an affiliate of the Complainant. It is also asserted that the Complainant is the exclusive licensee of the TEMU trademark. The Complainant did not provide evidence of such corporate association or exclusive license. However, the Panel is aware that the Complainant has been successful in many other disputes under the Policy relying on Five Bells Limited’s trademark registrations (for example, *Whaleco Inc. d/b/a Temu v. Muhammad Ahmad*, WIPO Case No. [D2024-1781](#)) and the Complainant and Five Bells Limited have worked together in respect of other legal disputes (for example, in the United Kingdom, Order under the Companies Act 2006, In the matter of application No. 5171, For a change of company name of registration No. 15094883). A trademark owner’s affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is

considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. [WIPO Overview 3.1](#), section 1.4.1.

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 Respondent relies upon paragraph 4(c)(i) of the Policy, namely that, before notice to the Respondent of the dispute, the Respondent used or made demonstrable preparations to use the disputed domain name or a name correspondent to the disputed domain name in connection with a bona fide offering of goods or services. [WIPO Overview 3.1](#), section 2.2.

The Respondent claims to have registered the disputed domain name for an AI-powered aerial remote sensing image analysis project because the term TEMU means “special eye”. (“特目”Combined: “Special Eye” for intelligent visual recognition). As far as the case file shows, the Respondent has not used the disputed domain name for this purpose. The Respondent provides no details or evidence of any preparation to use the disputed domain name for this purpose, asserting that doing so is unnecessary because the meaning of “temu” being “special eye” is sufficient evidence to demonstrate preparations to use the disputed domain name for an AI-powered aerial remote sensing image analysis project.

However, the Respondent also claims that the disputed domain name was registered as part of a domain name investment and portfolio management business “specifically for its independent brand value in the AI technology sector, not for targeting Complainant”.

The Respondent’s position is contradictory, claiming two different reasons for registering the disputed domain name.

Without any evidence of preparation to use the disputed domain for the AI-powered aerial remote sensing image analysis project, the Respondent cannot succeed under paragraph 4(c)(i) of the Policy. Claimed examples of use or demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services cannot be merely self-serving but should be inherently credible and supported by other relevant pre-complaint evidence. [WIPO Overview 3.1](#), section 2.2. Moreover, it has been more than 3 years since registration of the disputed domain name, and one would expect substantial evidence of preparations. None were provided.

For the reasons discussed below in relation to the third element of the Policy, registration of the disputed domain name for domain name investment purposes was in bad faith to target the Complainant, and thus registering the disputed domain name for investment purposes does not demonstrate rights or legitimate interests in the disputed domain name in the present case.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and used the disputed domain name in bad faith.

Generally speaking, a finding that a domain name has been registered or is being used in bad faith requires an inference to be drawn that the respondent in question has registered or is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Respondent asserts that the Respondent was unaware of the Complainant when registering the disputed domain name on September 2, 2022. The Complainant launched its online service in the United States on September 1, 2022, and had filed for United States trademark protection before launch in August 2022.

The Respondent provides a complicated argument based on different time zones between the United States (where TEMU was launched) and China where the Respondent is located. The Respondent asserted that the launch on September 1, 2022, was a launch in a “test phase” with no publicity. According to the Respondent, “from September 1-15, 2022, TEMU was in a deliberately low-profile testing mode, not a public launch.”

However, the evidence in both the Response and the Complainant’s Supplemental Submission demonstrate that the TEMU brand was publicized prior to the Respondent’s registration of the disputed domain name. For example, there is evidence of substantial pre-launch commercial activity, including seller recruitment and platform staging, which were widely reported in China prior registration of the disputed domain name. A marketplace platform such as the Complainant’s TEMU platform which relies upon Chinese sellers clearly would have undertaken seller recruitment in China before a launch in the United States.

In short, the Respondent’s assertions of being unaware of the Complainant’s TEMU brand when registering the disputed domain name at about the time of the TEMU launch are not believable.

The Respondent also argues that the central question to the case is whether the Complainant possessed enforceable trademark rights in China - the jurisdiction where the Respondent resides and operates - at the time of registration of the disputed domain name. This argument is contrary to years of UDRP jurisprudence and may be the result of the Response being generated by AI without assessing if the arguments are inaccurate or even relevant. The Panel does not attribute any consequence to the Respondent’s use of AI (if such a tool has been used) to prepare its response but considers that inaccuracies and inconsistencies are detrimental to the Respondent’s case.

The Panel concludes that the Respondent likely registered the disputed domain name because of the launch of the Complainant’s TEMU marketplace platform, with the intention to sell the disputed domain name. This is evidence of bad faith registration and use. See paragraph 4(b)(i) of the Policy.

Moreover, where the facts of the case establish that the respondent’s intent in registering the domain name was to unfairly capitalize on the complainant’s nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith. See [WIPO Overview 3.1](#), section 3.8.2; and *Midjourney, Inc. v. Thien Nguyen, THE Midjourney AI, Jernemy Nguyen, The Midjourney AI, John Nick, Nguyen Chi Thien, Nguyen Duong, MidJourney AI*, WIPO Case No. [D2023-4000](#).

Panels have found that the non-use of a domain name (including a registrar's holding page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The registration of domain names for the purposes of selling them would lead to a finding of bad faith where the case circumstances point to a speculative registration for the specific purpose of targeting existing brand owners, particularly if the domain name is registered due to its significance as a trademark corresponding to a complainant, which is the case here.

The Panel finds that the Complainant has established the third element of the Policy.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that a complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

The Respondent asks for a finding of Reverse Domain Name Hijacking. Such a finding cannot be made where the Complainant is successful.

The Panel finds that the Complaint has not been brought in bad faith and does not constitute an attempt at Reverse Domain Name Hijacking.

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.ai> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: May 7, 2026