ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Whaleco Inc., Whaleco Technology Limited v. Domain Administrator, Sugarcane Internet Nigeria Limited
Case No. DCO2026-0071

1. The Parties

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

The Respondent is Domain Administrator, Sugarcane Internet Nigeria Limited, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <temu.co> (the "Domain Name") is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 16, 2026. On September 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 22, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on September 22, 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 amendment to the Complaint on September 23, 2026.

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 September 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 19, 2026. On September 22, 2026, and October 19, 2026, the Center received automatic email replies from the Respondent stating "Our office is closed for a short time while we are on holiday. We will get back to you as soon as we can but there could be a delay. Please be patient with us".

The Center appointed Ian Lowe as the sole panelist in this matter on October 23, 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 Whaleco Inc. is a United States corporation with its principal place of business in Boston, Massachusetts, United States. The Complainant Whaleco Technology Limited is a company organized under the laws of Ireland. Whaleco Inc. and Whaleco Technology Limited (collectively the "Complainant") belong to the same group of companies and affiliates doing business as TEMU and operating the TEMU marketplace platform accessible through its website at "www.temu.com" and mobile applications.

TEMU is a global online platform that launched in the United States in September 2022 and brings together consumers with merchants, manufacturers and brands around the world. It offers a selection of merchandise in product categories such as clothing, consumer goods, cosmetics, appliances and electronics and the platform allows China-based vendors to sell and ship directly to customers without having to rely on intermediate distributors in the destination country, making products more affordable. After the launch, TEMU quickly became one of the most downloaded e-commerce apps, surpassing 100 million downloads on the Google Play Store alone.

The Complainant, through its affiliate Five Bells Limited, is the exclusive licensee of a number of registered trademarks for the word mark TEMU, including European Union Trademark number 018742564 registered on November 18, 2022; and United States Trademark number 7157165 registered on September 5, 2023.

According to the information available at the public WhoIs, the Domain Name was registered on September 19, 2014. However, the Complainant has adduced evidence that there was a change of Registrar and a significant change in the WhoIs details for the Domain Name on January 4, 2004, indicative of a change of ownership on that date. According to the Internet Archive Wayback Machine, in December 2014, the Domain Name redirected to a parking page in the Spanish language. There were no further captures until 2024 when a number of captures indicated a parking page stating "Coming Soon". In addition, a search of the publicly available information on the website of the Corporate Affairs Commission of Nigeria indicates that the Respondent was incorporated on December 23, 2019, demonstrating that the Respondent could not have been the original registrant in 2014.[1]

The Domain Name resolves to a parking page comprising dynamic links to webpages of pay-per-click ("PPC") links to a number of third-party websites including online shopping deals, clothing and Chinese Wholesale Shopping.

[1] Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

The Respondent has been found to have registered and used domain names in bad faith in a number of UDRP cases. See, e.g., *Menarini Silicon Biosystems S.p.A. v. Domain Administrator, Sugarcane Internet Nigeria Limited* WIPO Case No. D2023-4373; *Sentara Healthcare v. Domain Administrator, Sugarcane Internet Nigeria Limited* WIPO Case No. D2023-0745 and *Newsmax Media Inc. v Domain Administrator, Sugarcane Internet Nigeria Limited and ors.* WIPO Case No. D2024-4112.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is identical to its TEMU trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions. The Center received apparent automatic replies from the Respondent's email address on September 22, 2026 and October 19, 2026 with the following content: "Our office is closed for a short time while we are on holiday. We will get back to you as soon as we can but there could be a delay. Please be patient with us."

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and

(iii) the 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 3.1, 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.

Ignoring the country-code Top-Level Domain ".co" as such is typically disregarded under the first element test, the Domain Name is identical to the Mark.

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. Accordingly, 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 evidence, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

Paragraph 4(c) of the Policy gives examples of circumstances which, if proved, suffice to demonstrate that a respondent possesses rights or legitimate interests. As to paragraph 4(c)(i) of the Policy, the Domain Name has been used for a parking page with PPC links to general goods/services which bear no obvious descriptive relationship to the Domain Name and in fact relate to the Complainant's services under the Mark. WIPO Overview 3.1, section 2.9. In the Panel's view such use of the Domain Name could not of itself confer rights or legitimate interests. Further, there is no evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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

C. Registered and Used in Bad Faith

Although the Domain Name may have originally been registered in 2014, the Respondent company was not incorporated until 2019 and the Complainant has adduced evidence of a change in the WhoIs details for the Domain Name in 2024, supported by the activity revealed by the Internet Archive Wayback machine. The Respondent has not come forward to contest this. Accordingly, the Panel is satisfied on balance that the Domain Name was not acquired by the Respondent until after the Complainant had established its business on the "www.temu.com" platform, acquired substantial goodwill and reputation in the Mark, and registered the TEMU trademarks. Accordingly, the Panel is also satisfied that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

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 3.1, section 3.2.1.

Since the Domain Name comprises the entirety of the Mark, the obvious inference is that the Respondent registered the Domain Name for commercial gain with a view to taking unfair advantage of the Mark. Its aim was to confuse Internet users into believing that the Domain Name was being operated by or authorized by the Complainant. The Domain Name creates a risk of implied affiliation with the Complainant.

In the Panel's view, using the Domain Name for a website comprising PPC links to third party websites amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith. 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 Domain Name <temu.co> be transferred to the Complainant.

/Ian Lowe/
Ian Lowe
Sole Panelist
Date: November 2, 2026