ADMINISTRATIVE PANEL DECISION

Whaleco Inc., Whaleco Technology Limited v. Pro Services, Brandit Domains
Case No. DEC2026-0002

1. The Parties

The Complainants are Whaleco Inc. (“Complainant No. 1”), United States of America (“United States”), and Whaleco Technology Limited (“Complainant No. 2”), Ireland, represented by Thomsen Trampedach GmbH, Switzerland.

The Respondent is Pro Services, Brandit Domains, Japan.

2. The Domain Name and Registrar

The disputed domain name is <temu.com.ec> (the “Disputed Domain Name”).

The registry of the Disputed Domain Name is NIC.EC Registro de Dominios EC – Ecuador (the “Registry”), and the registrar is Dynadot Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 26, 2026. On June 29, 2026, the Center transmitted by email to the Registry a request for registrar verification in connection with the Disputed Domain Name. On June 29, 2026, the Registry 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 (Bai Xiqing) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 30, 2026, providing the registrant and contact information disclosed by the Registry, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on July 1, 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 amended Complaint, and the proceedings commenced on July 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 27, 2026.

The Center appointed Monica Novac as the sole panelist in this matter on August 3, 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

Complainant No. 1 is a company organized under the laws of the United States, while Complainant No. 2 is a company organized under the laws of Ireland. Both entities belong to the same group of companies and affiliates doing business under the name "Temu" and operating the TEMU marketplace in the United States and globally via the website "www.temu.com" and corresponding mobile applications.

The TEMU marketplace is a global online platform that brings together consumers with merchants, manufacturers, and brands around the world, offering a selection of merchandise in product categories such as clothing, consumer goods, cosmetics, appliances, and electronics. The marketplace was launched in the United States in September 2022 and it currently operates in more than 90 countries around the world.

The Complainants are the exclusive licensees of the following TEMU trademarks owned by their affiliate company Five Bells Limited:

- United States Trademark Registration No. 7164306 TEMU, registered on September 12, 2023, for services in class 35;

- European Union Trademark Registration No. 018742564 TEMU, registered on November 18, 2022, for goods and services in classes 9, 35, 38, and 42; and

- China Trademark Registration No. 67134605 TEMU, registered on March 21, 2023, for services in class 38.

The Complainants operate the TEMU marketplace primarily through their official website at the domain name <temu.com> (registered on April 29, 2003 in the name of Complainant No. 1).

The Respondent is reportedly located in Japan. The Disputed Domain Name was registered on February 7, 2023. According to the information provided by the Registry, the Respondent acquired the Disputed Domain Name from the previous holder on June 25, 2026. Further to the evidence submitted with the Complaint, at least on June 22, 2026, the Disputed Domain Name was offered for sale on the domain marketplace found at "www.above.com", where interested parties could make an offer in USD currency.

On June 25, 2026, the lawyers of Complainant No. 1 sent a cease-and-desist letter (via email) to the former registrant of the Disputed Domain Name, demanding, among others, the transfer of the Disputed Domain Name to Complainant No. 1. The former registrant's representatives replied the same day stating that in order to settle the matter amicably, their client "requests a standard administrative reimbursement of $700 USD to cover out-of-pocket registration expenses, maintenance costs, and legal administrative fees associated with the transfer".

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.

Notably, the Complainants contend that:

- the Disputed Domain Name is identical or confusingly similar to the Complainants' TEMU trademark;
- the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- the Disputed Domain Name has been registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Consolidation of the Complainants

The Complaint has been filed by Complainant No. 1 and Complainant No. 2. The Panel notes that the Complainants are affiliate entities and both have legal rights in the TEMU trademarks.

The Panel is of the opinion that the Complainants have common interests in this case and the Respondent's conduct has affected both Complainants in a similar manner.

In view of the circumstances of the case, the Panel considers that the consolidation of the Complainants is procedurally efficient, fair and equitable, and it would not be detrimental to the Respondent in any way.

For all the above reasons, and in line with WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.1, consolidation is ordered.

Hereinafter, the Complainants will be collectively referred to as the "Complainant".

6.2. Substantive Issues

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 1.4.1.

The Panel notes that the Complainant is not the registered owner of the above-mentioned TEMU trademarks; rather, said trademarks are registered in the name of the Complainant's affiliate Five Bells Limited. Section 1.4.1 of the WIPO Overview 3.1 provides that "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". According to the Complainant, it is the exclusive licensee of the TEMU trademark owned by its affiliate company Five Bells Limited. The Panel finds that the Complainant has established sufficient rights in the TEMU trademark for the purposes of standing under paragraph 4(a)(i) of the Policy.

The Panel notes that the Disputed Domain Name totally incorporates the Complainant's TEMU trademark, with no other additions. Therefore, the Disputed Domain Name is identical to the Complainant's trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

According to the WIPO Overview 3.1, section 1.11.1, the second Level Domain and the country code Top-Level Domain ("ccTLD") ".com.ec" in the Disputed Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Further to all the above, 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.

It is accepted by the Panel that the Complainant has not licensed, authorized, or permitted the Respondent to use the TEMU trademark or to register the Disputed Domain Name. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name, nor that it holds any trademark or trade name rights corresponding to it.

The Panel is of the opinion that the composition of the Disputed Domain Name carries a high risk of implied affiliation with the Complainant. WIPO Overview 3.1, section 2.5.1.

The Panel notes that there is no evidence of use, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services by the Respondent. In view of the composition of the Disputed Domain Name, the Panel is of the opinion that the Disputed Domain Name is likely to mislead Internet users, and there is no evidence that the Respondent has been making legitimate noncommercial or fair use of the Disputed Domain Name.

Further to all the above, 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.

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.

The Panel notes that while the Disputed Domain Name was initially created on February 7, 2023, it was acquired by the Respondent on June 25, 2026. As per section 3.8.1 of the WIPO Overview 3.1, "irrespective of the original creation date, if a respondent acquires a domain name after the complainant's trademark rights accrue, the panel will look to the circumstances at the date the UDRP respondent itself acquired the domain name". Moreover, under established UDRP consensus (see WIPO Overview 3.1, section 3.9), "the transfer of a domain name registration from a third party to the respondent is not a renewal and the date on which the current registrant acquired the domain name is the date a panel will consider in assessing bad faith". Accordingly, the Panel will consider the date of June 25, 2026 in assessing the Respondent's bad faith registration.

In the present case, the Panel notes that the Complainant registered and used its TEMU trademark before the Respondent acquired the Disputed Domain Name. In view of the worldwide presence of the Complainant, the distinctiveness of the TEMU trademark, as well as the composition of the Disputed Domain Name, it is unlikely that the Respondent was not aware of the Complainant's trademark and business when registering the Disputed Domain Name in 2026.

The Panel is of the opinion that the composition of the Disputed Domain Name falsely suggests Internet users that they will be directed to a website affiliated with the Complainant and related to the Complainant's presence and activity in Ecuador. The Respondent's registration of the Disputed Domain Name which is identical to the Complainant's trademark creates a false association or affiliation with the Complainant and it is clear proof of the Respondent's bad faith.

The Panel notes the suspicious temporal proximity between the Complainant's cease-and-desist letter sent to the previous registrant on June 25, 2026 (which elicited a demand for USD 700 in exchange for the transfer of the Disputed Domain Name to the Complainant) and the transfer of the Disputed Domain Name to the Respondent on that very same day. The Panel further notes that the Registry's verification record lists the Respondent as the new registrant as of June 25, 2026. In the absence of a response from the Respondent explaining the commercial rationale for the transfer, or its relationship with the prior registrant, the Panel draws an adverse inference that such circumstances strongly indicate an attempt to shield the Disputed Domain Name or obscure ownership following notice of a dispute, or to continue the Disputed Domain Name's commercial exploitation, reinforcing a finding of bad faith registration and use under paragraph 4(a)(iii) of the Policy.

As per the evidence dated June 22, 2026 filed by the Complainant, the Disputed Domain Name is offered for sale on the domain marketplace found at "www.above.com", where interested parties can make an offer in USD currency.

In view of all the above, the Panel considers that the Respondent registered/acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to the Complainant or to a competitor, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Disputed Domain Name. Even though UDRP panels have found that the practice as such of registering a domain name for subsequent resale (including for a profit) would not by itself support a claim that a respondent registered the domain name in bad faith with the primary purpose of selling it to a trademark owner or its competitor (see WIPO Overview 3.1, section 3.1.1), in the present case, the Respondent has not presented any justification for registering the Disputed Domain Name which is identical to the Complainant's TEMU trademark, and is almost identical to the Complainant's domain name <temu.com>. Moreover, the Panel is of the opinion that the Respondent was well aware of the Complainant's distinctive trademark when acquiring the Disputed Domain Name. This, together with the active offers for sale, fully supports an inference of bad faith registration and use of the Disputed Domain Name.

The Panel also notes the Respondent’s failure to submit a response in the present proceeding, which may be considered as a further indication of the Respondent’s bad faith.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

Further to all the above, 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.com.ec> be transferred to the Complainant.

/Monica Novac/
Monica Novac
Sole Panelist
Date: August 12, 2026