

ADMINISTRATIVE PANEL DECISION

Whaleco Inc. and Whaleco Technology Limited v. Wen Lijun, Lijun Wen
Case No. DHN2025-0001

1. The Parties

The Complainants are Whaleco Inc., United States of America (“United States”), and Whaleco Technology Limited, Ireland, represented by Whitewood Law PLLC, United States.

The Respondent is Wen Lijun, Lijun Wen, China.

2. The Domain Name and Registrar

The disputed domain name <temu.hn> is registered with Topnets Technology Co., Ltd (the “Registrar”). The Registry of the disputed domain name <temu.hn> is Red de Desarrollo Sostenible de Honduras (“the Registry”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2025. On January 23, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On February 3, 2025, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .HN Domain Name Dispute Resolution Policy (the “Policy”), approved by the Registry, the Rules for the .HN Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for the .HN 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 February 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 10, 2025.

The Center appointed Enrique Bardales Mendoza as the sole panelist in this matter on March 20, 2025. 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 belong to the same group of companies and affiliates doing business as TEMU and operating the TEMU marketplace in the U.S. and globally.

The Complainants operate an online shopping platform accessible through its website “www temu.com” and mobile applications available for free download through the Apple App Store and Google Play Store. The website “temu.com” was launched in the United States in September 2022 and quickly became one of the most downloaded e-commerce apps, surpassing 100 million downloaded free applications.

The platform strives to continually offer the most affordable quality products to create an inclusive environment for consumers and sellers. Also, the platform protects customers by providing trust and safety services, including protecting customers’ personal and payment information.

The Complainants, through its affiliate Five Bells Limited, is the exclusive licensee of the following common law and registered trademarks:

- United States Trademark No. 7,164,306 for TEMU (registered on September 12, 2023) and covering services in class 35.
- European Union Trademark No. 018742564 for TEMU (registered on November 18, 2022) and covering products and services in classes 9, 35, 38 and 42.
- United Kingdom Trademark No. UK00003863111 for TEMU (registered on March 24, 2023) and covering services in classes 36, 39, 41 and 45.

In addition to above trademarks, the Complainants continuously used the TEMU trademarks in commerce throughout the United States since August 10, 2022 for various goods and services, including the provision of an e-commerce platform available online and through mobile applications.

The disputed domain name was registered on September 5, 2022 and resolves to a not working page due to an HTTP ERROR 503.

5. Parties’ Contentions

A. Complainant

The Complainants contend that it has satisfied each of the elements required under the Policy for a mandatory administrative procedure.

Notably, the Complainants contends that the disputed domain name is identical or confusingly similar to the TEMU trademark and the addition of the country code Top-Level Domain (“ccTLD”) “.hn” to the Complainants’ licensed trademarks do not prevent a finding a confusing similarity. Also, the Complainants state that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and the disputed domain name has been registered and is being used in bad faith by the Respondent.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel must first determine whether the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have rights in accordance with paragraph 4(a)(i) of the Policy.

The Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy.

The Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the trademark for the purposes of the Policy.

Lastly, the addition of the ccTLD “.hn” to the disputed domain name has no relevance in this case since it is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

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

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must show that a respondent does not have any rights or legitimate interests in the disputed domain name.

The Respondent has not submitted any response and has not claimed any rights or legitimate interests with respect to the disputed domain name. As per the complaint, the Respondent has neither been granted a license nor has it been otherwise authorized to use the TEMU trademark, either as a domain name or in any other way.

The Complainants contends that the Respondent is not making any use of the disputed domain name nor is there any evidence that a webpage or other online presence is in the process of being established under the disputed domain name.

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

C. Registered or 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 or use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent likely registered the disputed domain name in an effort to take advantage of the Complainants goodwill and substantial resources expended in promoting, protecting and developing TEMU trademarks. Also, the Respondent has been engaging in a pattern of conduct registering domain names with the Complainants' licensed trademark as evidenced by the decision *Whaleco Inc. d/b/s Temu v. Lijun Wen*, WIPO Case No. [DRO2024-0003](#).

The fact that the Respondent keeps a domain name inactive does not prevent the Panel from considering that the disputed domain name is registered and used in bad faith.

The Panel finds that the Complainants have 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.hn> be transferred to the Complainants.

/Enrique Bardales Mendoza/

Enrique Bardales Mendoza

Sole Panelist

Date: April 3, 2025