

## **Alternative Dispute Resolution Proceeding**

### **Accelerated Proceeding**

### **Case No. DSE2025-0002**

#### **1. Petitioner**

The Petitioner is Whaleco Technology Limited, Ireland, represented by Whitewood Law PLLC, United States of America.

#### **2. Domain Holder**

The Domain Holder is [Name Removed], China.

#### **3. Domain Name and Procedural History**

This Alternative Dispute Resolution proceeding relates to the domain name <temu.se>.

This Petition was filed under the Terms and Conditions of registration (the “.se Policy”) and the Instructions governing Alternative Dispute Resolution proceeding for domain names in the top-level domain .se (the “.se Rules”).

The WIPO Arbitration and Mediation Center (“the Center”) verified that the Petition satisfied the formal requirements of the .se Policy and the .se Rules. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on January 28, 2025. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder's default on March 7, 2025.

The Center appointed Monique Wadsted as the sole Arbitrator in this matter on March 12, 2025. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with Section 1 of the .se Rules.

Initially, Whaleco Inc. was also part of this case but withdrew its claim on March 21, 2025.

#### **4. Factual Background**

The Petitioner Whaleco Technology Limited is a company organized under the laws of Ireland. From August 10, 2022 the Petitioner together with other companies in the TEMU Group of Companies provide in connection with numerous goods and services, the provision of an e-commerce platform available online and

through mobile applications, through which consumers worldwide can purchase a variety of goods. The platform's trademark is TEMU. TEMU is a registered European Union Trademark (EUTM) No. 018742564 filed on August 5, 2022. The Domain Name was registered on August 30, 2022.

## 5. Claim

The Petitioner requests that the disputed domain name <temu.se> ("the Domain Name") shall be transferred to the Petitioner.

## 6. Parties' Contentions

### A. Petitioner

The Petitioner claims that the following three conditions under the .se Policy are met in relation to the Domain Name; 1) the Domain Name is identical or similar to a trademark which is legally recognized in Sweden and to which the party requesting dispute resolution can prove its rights; 2) the Domain Name has been registered or used in bad faith; and 3) the Domain Holder has no rights or justified interest in the Domain Name.

The trademark holder of the EUTM wordmark TEMU is Five Bells Limited. According to a declaration of a senior legal counsel of Petitioner's sister company Whaleco Inc., this company together with Petitioner are the exclusive licensees of the TEMU EUTM.

The Disputed Domain Name was registered days after Petitioner applied for the TEMU Trademarks and began continuously using the TEMU Trademarks. Considering the timeline and the fact there is no evidence of an association between Domain Holder and the term TEMU, nor does the term TEMU have any other recognizable meaning apart from it serving as a brand name of Petitioner, it is clear that Domain Holder registered the Disputed Domain Name <temu.se> with knowledge of Petitioner's TEMU Trademark rights in an effort to take advantage of Petitioner's goodwill and substantial resources expended in promoting, protecting and developing TEMU Trademarks and the Platform. In doing so, Domain Holder knowingly registered the Disputed Domain Name in an effort to capitalize on its potential commercial value and with a purpose to free ride on the back of the goodwill associated with Petitioner and its TEMU Trademarks.

In addition, it is noteworthy that Domain Holder has been engaging in a pattern of conduct registering domain names with Petitioner's TEMU Mark, as evidenced by a prior decision, *Whaleco Inc. d/b/a Temu v. [Name Removed]*, WIPO Case No. [DRO2024-0003](#), where Petitioner was awarded a transfer of the domain name <temu.ro> registered by a domain holder who shared the identical address as Domain Holder's address listed on Whois in the present case. Further, Domain Holder's bad faith intent is shown in both registering the domain and ongoing use, which is purely inactive.

It is clear that Domain Holder intentionally registered the Disputed Domain Name with Petitioner's TEMU Trademarks in mind, in an effort to take advantage and capitalize financially from the Disputed Domain Name using the TEMU Trademarks. Petitioner has not only established Domain Holder's bad faith registration *or* use as required by 7.2.2 of the Policy, but also proved both bad faith registration *and* use.

Furthermore, TEMU is not an applied for or registered trademark of Domain Holder. Moreover, TEMU is a fabricated word without linguistic meaning either in Swedish or English and Domain Holder is not making use of the Domain Name. In view of the above, Petitioner has met its burden to establish a prima facie case that Domain Holder has no rights or legitimate interests in the Disputed Domain Name pursuant to Paragraph 7.2.2 of the .se Policy.

## **B. Domain Holder**

The Domain Holder has not filed any response.

## **7. Discussion and Findings**

### **A. The Domain Name is identical or similar to a name which is legally recognized in Sweden and to which the Petitioner can prove its rights**

The Petitioner has through declaration of its senior legal counsel (see above) proven that it together with its sister company Whaleco Inc. have an exclusive license to the EUTM wordmark TEMU. The wordmark is reproduced in its entirety in the Domain Name. The Petitioner has therefore proven that it holds such entitlement as defined in Paragraph 7.2 of the .se. Policy and that the Domain Name is similar or identical to the Petitioner's registered right.

### **B. The Domain Name has been registered or used in bad faith**

The Arbitrator finds no indication on the record that might rebut the Petitioner's claims, i.e., the Domain Name has been registered and used in bad faith by the Domain Holder.

### **C. The Domain Holder has no rights or justified interest in the Domain Name.**

Based on the record, the Arbitrator finds that the Domain Holder has no rights or justified interest in the Domain Name.

## **8. Decision**

The Domain Name <temu.se> shall be transferred to the Petitioner.

**Monique Wadsted**

Date: March 24, 2025