Decision for dispute CAC-UDRP-108904

Case number	CAC-UDRP-108904
Time of filing	2026-09-03 11:29:09
Domain names	temu.run

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Whaleco Technology Limited

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Organization	Netlify Inc

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant states that it has rights in the following US national trademark registrations, owned by Five Bells Limited:

- 7164306 “TEMU” registered on 10 May 2024 for the services in class 35;
- 7157165 “TEMU” registered on 5 September 2023 for the goods in class 9;
- 7329132 “TEMU” registered on 12 March 2024 for the services in class 35;
- 7145476 “TEMU” registered on 22 August 2023 for the services in class 35;
- 7157220 “TEMU” registered on 5 September 2023 for the products in class 9.

The Complainant proved ownership of the aforementioned trademark registrations by submitting extracts from the USPTO Register.

FACTUAL BACKGROUND

The Complainant operates an online shopping marketplace ("TEMU.COM" or the "Marketplace") accessible through its website (https://temu.com) and mobile applications. TEMU.COM is a global online marketplace that connects consumers to sellers, manufacturers and brands around the world, offering a growing range of goods in product categories such as apparel, consumer goods, cosmetics, home appliances and electronics. TEMU.COM formally launched in the US in September 2022. In March 2023, TEMU was launched in Australia and New Zealand. The following month, TEMU was launched in France, Germany, Italy, the

Netherlands, Spain and the UK. TEMU was also expanded to the Latin American market. In less than one year following its official launch, the TEMU application exceeded 100 million downloads. Furthermore, this online shopping marketplace is currently available in almost 100 different countries around the world, and ranked first in download volume among free apps on the Apple App Store and Google Play Store in both 2024 and 2025. TEMU.COM's rapid rise is credited to its "innovative e-commerce combination of online shopping and entertainment known as 'discovery-based shopping'".

The Complainant has continuously used the “TEMU” trademarks in commerce throughout the US since at least as early as 1 September 2022, in connection with numerous goods and services, including the provision of an e-commerce marketplace available online and through mobile applications, through which consumers can purchase a variety of goods. The Complainant has expended substantial resources marketing, advertising, and promoting TEMU.COM under the “TEMU” Trademarks, including promoting the goods and services offered on the TEMU marketplace through its marketing, advertising, and promotional channels. The Complainant has made significant investments in creating the Marketplace infrastructure and in curating sellers, who not only transact business on the Marketplace, but also provide consumers with a high-quality shopping experience.

The disputed domain name <temu.run> (hereinafter “disputed domain name”) was registered on 29 June 2026. According to the Registrar, the Respondent is ‘Netlify Inc’. The Respondent’s provided address is in the US.

PARTIES CONTENTIONS

COMPLAINANT:
The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the UDRP).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

I. Preliminary Procedural Issue: Consolidation – Multiple unrelated complainants filing against a single respondent

A preliminary procedural issue arises from the Complaint submitted by Whaleco Technology Limited. Jake M. Christensen, Senior Legal Counsel for Complainant Whaleco Inc., in his Declaration stated that Whaleco Inc. (corporation operating under the US law) and Whaleco Technology Limited (company organized under the laws of Ireland) belong to the same group of companies and affiliates d/b/a TEMU and operating the TEMU marketplace in the U.S. and globally. Both Whaleco Inc. and Whaleco Technology Limited have rights, through their affiliate Five Bells Limited (listed as "TEMU" trademark's owner), in "TEMU" trademarks as licensee.

Moreover, Whaleco Inc. and Whaleco Technology Limited have been joint parties to previous proceedings relating to domain names incorporating the "TEMU" trademarks (See Whaleco Inc. and Whaleco Technology Limited v. Tomasz Nowak, DEU2024-0006).

The Panel is of the view that Whaleco Inc. and Whaleco Technology Limited enjoy rights in the "TEMU" trademarks (as licensee). Both belong to the same group of companies d/b/a "Whaleco" or "TEMU", operating an online shopping platform connecting consumers with sellers, manufacturers, and brands around the world (www.temu.com).

Following Paragraphs 1.4.1, 1.4.2 and 4.11.1 of the WIPO Overview 3.1, the Panel accepts the request for the consolidation of multiple Complainants against a single Respondent into a single proceeding.

Therefore, in this Decision, Whaleco Inc. and Whaleco Technology Limited are referred to as the Complainant, to which the Decision is directed.

II. Decision on the case

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant. Therefore, the Panel proceeds to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them [Paragraph 5(f) of The Rules].

1. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

The WIPO Overview 3.1 in Paragraph 1.2.1 states: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case."

The WIPO Overview 3.1 in Paragraph 1.7 states: "[…] in cases where a domain name incorporates the entirety of a trademark […] the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

The WIPO Overview 3.1 in Paragraph 1.11.1 states: "The applicable Top Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test."

In the CAC Case No. 108159, Alibaba Innovation Private Limited v. Colin Gao, the Panel stated that: "The disputed domain name [...] consists of the Complainant's prior trade mark WANX and the gTLD .run. A gTLD does not distinguish a domain name from a complainant's trade mark, and so the disputed domain name is identical to the Complainant's prior registered trade mark WANX for the purposes of the Policy."

In the present case, the Complainant has established that it has rights in multiple US national trademark registrations for the "TEMU" term.

In the disputed domain name, the "TEMU" trademark is presented and clearly recognizable in its entirety.

The <.run> gTLD in the disputed domain name is not sufficient to prevent the finding of confusing similarity since it is regarded as a necessary technical requirement of registration.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interest in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfils this demand the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman). Moreover, past panels were of the view that it is difficult or sometimes impossible to prove negative facts, i.e., absence of rights or legitimate interest on the part of the Respondent. In this respect, past panels referred to the WIPO Case No. D2000-1769, Neusiedler Aktiengesellschaft v. Vinayak Kulkarni. Within the meaning of Paragraph 4(a)(ii) of the UDRP, once the complainant has made something credible (prima facie evidence), the burden of proof shifts to the Respondent to show that he has rights or legitimate interests in the domain name at issue by providing concrete evidence.

The WIPO Overview 3.1 in Paragraph 2.5.1 states: "Generally speaking, UDRP panels have found that domain names identical to a

complainant's trademark carry a high risk of implied affiliation."

The Complainant contends that:

- there is no evidence to suggest that the Respondent is commonly known by the disputed domain name;
- the Respondent is neither associated with nor commonly known by the terms "TEMU";
- the Complainant has not licensed, otherwise, permitted or authorized the Respondent to use the "TEMU" trademarks or brand;
- the Respondent is passively holding the disputed domain name without any demonstrable plan to use it and so actions in connection with the disputed domain name cannot be considered as a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

The Respondent did not file any Response to the Complaint. Thus, the Respondent failed to demonstrate rights or legitimate interest in the disputed domain name.

To the satisfaction of the Panel, the Complainant made a prima facie case that there is no connection between the Complainant and the Respondent and that the Respondent does not have any authorization in the disputed domain name or in the "TEMU" trademarks from the Complainant.

Above, the Panel found that the Complainant has rights in multiple US national trademark registrations for the "TEMU" verbal element.

Moreover, past panels have declared that the "TEMU" trademark is highly distinctive (cf. e.g. the WIPO Case No. D2024-0929; WIPO Case No. D2024-0847).

This Panel is of the opinion that the Respondent must have been aware of the Complainant, its trademark and business activities at the moment of registering the disputed domain name.

The Respondent cannot be recognized under the disputed domain name, since its identity is hidden in the submitted Whois information for the disputed domain name.

In conclusion, the Panel is of the view that the Respondent has no rights or legitimate interest in the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

3. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Panel finds that the Respondent registered and uses the disputed domain name in bad faith.

The WIPO Overview 3.1 in Paragraph 3.1.4 states: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith […]."

The WIPO Overview 3.1 in Paragraph 3.3 states: "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" 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, panelists have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy.

Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement)."

In the WIPO Case No. D2020-2116, VFS Global Services Private Limited v. WhoisGuard, Inc., Quijano & Associates / Narendra Singhmanushi, the Panel stated: "The Panel also determines that the Respondent's use of the privacy protection service, WhoisGuard in the circumstances of the present case constitutes additional evidence of bad faith. Absent any explanation from the Respondent, the Panel cannot conceive of any plausible good faith use of the disputed Domain Name that could be made by the Respondent. The Respondent's conduct in registering the disputed Domain Name therefore constitutes opportunistic bad faith."

In the WIPO Case No. D2016-1608, LEGO Juris A/S v. Domain Privacy Service FBO Registrant / Jill Cottingham, the Panel stated: "The addition of a generic term does not serve to distinguish the domain name from the trademark, but may reinforce the association of the complainant's trademark with the domain name (see Viacom International Inc. v. Frank F. Jackson and Nancy Miller, WIPO Case No. D2003-0755). The prevailing element in the disputed domain name is "lego", which is identical with the Complainant's LEGO Trademarks. The addition of the term "kids" does not rule out a confusing similarity with the LEGO Trademarks. It rather creates the unequivocal impression for the average consumer that the disputed domain name is associated with the Complainant and with the official LEGO products and that its contents relate to specific wishes and needs of children."

Above, the Panel found that the Complainant has rights in multiple US national trademark registrations for the "TEMU" term.

It was already mentioned that past panels have declared that the "TEMU" trademark is highly distinctive (cf. e.g. the WIPO Case No. D2024-0929; WIPO Case No. D2024-0847).

This Panel is of the opinion that the Respondent must have been aware of the Complainant, its trademark and business activities at the moment of registering the disputed domain names on 29 June 2026.

The Panel cannot find any indicators of the Respondent's good faith in registering or using the disputed domain name.

Firstly, the Panel found the disputed domain name to be confusingly similar (cf. part I. above). As stated above, the <.run> gTLD in the disputed domain name is not sufficient to prevent the finding of confusing similarity. On the other, it may support the confusion in the minds of the consumers who might mistakenly believe that the website has a special connection with the TEMU marketplace or that it serves as an official marketplace or dedicated webpage operated by the Complainant for products or services related to sports, running, or outdoor activities.

Secondly, from the Whois information, it is clear that the identification of the Respondent is hidden (privacy protected).

Thirdly, the Complainant submitted evidence (screenshot of the respective website) from which it is clear that the disputed domain name leads to a blank website without any content. Since the well-known "TEMU" trademark was used for the purpose of the disputed domain name, the Respondent did not file any Response to the Complaint and is actively concealing its identity, the Panel is of the view that the Respondent is passively holding the disputed domain name.

Based on the previously mentioned facts, the Panel comes to the conclusion that the Respondent did not register and is not using the disputed domain name in good faith.

Following the above-mentioned, the Panel finds that the Complainant has satisfied the conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **temu.run**: Transferred

PANELLISTS

Name	**Radim Charvát**

DATE OF PANEL DECISION 2026-10-07

Publish the Decision