

Decision for dispute CAC-UDRP-108903

Case number	CAC-UDRP-108903
Time of filing	2026-09-04 09:31:09
Domain names	temuhdtv.com, temuhd-tv.com

Case administrator

Name	Olga Slanařová (Case admin)
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Complainant

Organization	Whaleco Technology Limited
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Complainant representative

Organization	Thomsen Trampedach GmbH
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Respondents

Organization	TemuHDTV
Organization	Breaking Cable TV

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 Complainants, Whaleco Technology Limited and Whaleco Inc. (hereinafter collectively referred to as “the Complainant”, see the section “Procedural Factors” below), invoke rights in the TEMU trademarks registered in the name of their affiliate Five Bells Limited, of which they are the exclusive licensees (Annex 1, paragraph 4).

A trademark owner’s affiliate or exclusive trademark licensee is considered to have rights in a trademark for the purposes of standing to file a UDRP complaint (WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”), section 1.4.1). The relationship between the Complainants and Five Bells Limited and the exclusive license granted to the Complainants are explained in the Christensen Declaration (Annex 1, paragraphs 2 and 4), and the Panel infers from these facts and circumstances that the trademark owner has authorized the Complainants to file the present Complaint. The Complainants therefore have standing to file the present Complaint.

The trademark registrations relied upon include, in particular, the following (Annexes 5 to 7):

- United States word trademark “TEMU”, Registration No. 7,164,306, registered on September 12, 2023, in Class 35 for online marketplace services;

- United States word trademark “TEMU”, Registration No. 7,157,165, registered on September 5, 2023, in Class 9 for computer software relating to online shopping;
- United States word trademark “TEMU”, Registration No. 7,329,132, registered on March 12, 2024, in Class 35 for advertising and marketing-related services;
- United States figurative trademark, Registration No. 7,145,476, registered on August 22, 2023, in Class 35 for online marketplace services;
- United States figurative trademark, Registration No. 7,157,220, registered on September 5, 2023, in Class 9 for online shopping software;
- European Union word trademark “TEMU”, No. 018754877, registered on December 17, 2022, in Classes 9, 35, 38 and 42, covering in particular downloadable software applications and the provision of an online marketplace for buyers and sellers of goods and services;
- European Union word trademark “TEMU”, No. 018816489, registered on April 18, 2023, in Classes 36, 39, 41 and 45, covering in particular, in Class 41, the provision of online videos and of films, not downloadable, via video-on-demand services.

The Complainants further rely on the TEMU online marketplace operated at:

- <temu.com> (see the Christensen Declaration, Annex 1, paragraphs 2–5).

FACTUAL BACKGROUND

The amended Complaint identifies Whaleco Technology Limited, an Irish company, in the Complainant field. Its request for consolidation additionally names Whaleco Inc., a Delaware company, as a co-complainant. According to Jake M. Christensen, Senior Legal Counsel at Whaleco Inc., these companies are affiliated and operate the TEMU online marketplace at <temu.com> and via mobile applications. He states that TEMU launched in the United States in September 2022 and that Five Bells Limited, the registered owner of the trademarks cited, licenses those marks within the corporate group (Annex 1). The Complainant has used the TEMU trademarks continuously since at least September 1, 2022. The marketplace expanded to Australia, New Zealand and several European countries in 2023 and is now available in approximately 100 countries. Its application exceeded 100 million downloads within its first year and ranked first in download volume among free apps on the Apple App Store and Google Play Store in 2024 and 2025 (Annex 1, paragraph 3).

The Respondent registered the disputed domain name <temuhdtv.com> on August 24, 2025, and the disputed domain name <temuhd-tv.com> on July 6, 2026 (Annex 2). Both disputed domain names resolve to websites offering paid IPTV and online television subscription services under the names “TemuHDTV” and “Temu HD TV” (Annex 1, paragraphs 9 and 10; Annex 8).

PARTIES CONTENTIONS

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 Policy).

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 Policy).

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 Policy).

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

Consolidation of the Complainants

The amended Complaint was filed in the name of Whaleco Technology Limited. However, the consolidation request and the Christensen Declaration (Annex 1) also identify Whaleco Inc. as a complainant. According to section 4.11.1 of the WIPO Overview 3.1, a single complaint may be brought by multiple complainants where (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.

In the present case, Whaleco Technology Limited and Whaleco Inc. belong to the same group of companies operating the TEMU marketplace and are both exclusive licensees of the TEMU trademarks registered in the name of their affiliated company Five Bells Limited (Annex 1, paragraphs 2 and 4). They therefore share a common legal interest in the TEMU trademarks relied upon and a common grievance against the Respondent, whose conduct affects them in the same way. The Panel further notes that the two companies have already acted together as co-complainants in previous UDRP proceedings concerning the TEMU trademarks (see, for instance, Whaleco Inc., Whaleco Technology Limited v. Tibor Sturm, TemuTreasureShop, WIPO Case No. D2025-4972).

The Panel accepts the consolidation of the Complainants, who are referred to collectively in this decision as “the Complainant”.

Consolidation of the Respondents

The Registrar verifications disclosed two nominally different registrants: “TemuHDTV / Teddy Warren” for <temuhdtv.com>, registered with NICENIC INTERNATIONAL GROUP CO., LIMITED, and “Breaking Cable TV” for <temuhd-tv.com>, registered with NameCheap, Inc., the registrant details of the latter having initially been concealed by a privacy service. The Complainant requests that the Complaint relating to both disputed domain names be consolidated in a single proceeding.

Paragraph 3(c) of the Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder. Paragraph 10(e) of the Rules empowers the Panel to decide a request by a party to consolidate multiple domain name disputes. Where the disputed domain names are held by nominally different registrants, panels consider whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties (WIPO Overview 3.1, section 4.11.2; see also Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons, WIPO Case No. D2010-0281). It is for the Complainant to make out a prima facie case in this respect, which the Respondent may rebut.

Having reviewed the record, the Panel finds that the disputed domain names are, on the balance of probabilities, subject to common control, in view of the following circumstances:

- both disputed domain names reproduce the TEMU trademark followed by the same two elements “hd” and “tv”, in the same order, and differ only by a hyphen;
- both disputed domain names have been used to promote paid IPTV subscription services offering access to several thousand television channels, movies and series, under nearly identical names, namely “TemuHDTV” and “Temu HD TV” (Annex 1, paragraphs 9 and 10; Annex 8);
- the registrant details disclosed for <temuhdtv.com> appear to be inaccurate, as they combine a postal address in Port of Spain, Trinidad and Tobago, with a postal code that does not correspond to that country and a United Kingdom telephone number, and the CAC was unable to send the written notice to that address, which does not exist. This casts doubt on whether the nominal registrants are the actual holders of the disputed domain names and suggests that the registrant details were provided in order to conceal the identity of the true holder.

The Panel notes that the disputed domain names were registered through different registrars and use different name servers. However, these elements can easily be varied by a single person and do not outweigh the specific and identical naming pattern and the identical commercial use of the disputed domain names, which point to a common scheme targeting the Complainant’s trademark.

Furthermore, the CAC notified the Complaint to both registrants by all reasonably available means, in accordance with paragraph 2(a) of the Rules, and neither of them filed a Response or objected to the consolidation request. As the disputed domain names raise identical factual and legal issues, the Panel finds that consolidation is fair and equitable to all parties and procedurally efficient.

Accordingly, the Panel grants the consolidation request. The registrants of the disputed domain names are referred to collectively in this decision as “the Respondent”.

The Panel also notes that the written notice of the Complaint could not be sent for <temuhdtv.com>, the postal address provided by the registrant being non-existent, and that the e-mail notice sent to <postmaster@temuhd-tv.com> was returned as undeliverable. The CAC has nevertheless discharged its obligation under paragraph 2(a) of the Rules to employ reasonably available means calculated to achieve actual notice of the Complaint to the Respondent. A respondent cannot rely on the inaccuracy or incompleteness of its own contact details to prevent an administrative proceeding from going forward.

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

Principal Reasons for the Decision

Identity or Confusing Similarity (paragraph 4(a)(i) of the Policy)

As regards the Complainant's rights, the TEMU trademarks are registered in the name of Five Bells Limited, an affiliate of the Complainant, of which the Complainant is the exclusive licensee (Annex 1, paragraph 4). A trademark owner's affiliate or exclusive licensee is considered to have rights in a trademark for the purposes of standing to file a UDRP complaint (WIPO Overview 3.1, section 1.4.1).

The Panel finds that the disputed domain names <temuhdtv.com> and <temuhd-tv.com> are confusingly similar to the Complainant's trademarks.

Indeed, the Complainant's TEMU trademarks are incorporated in the disputed domain names in their entirety. The only difference lies in the addition of the terms "hd" and "tv", together with a hyphen in <temuhd-tv.com>, which does not prevent a finding of confusing similarity. The TEMU trademark remains clearly recognizable within both disputed domain names, and the terms "hd" and "tv", which together form the common abbreviation "HDTV" for "high definition television", are merely descriptive. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms, whether descriptive or otherwise, does not prevent a finding of confusing similarity under the first element; the nature of such additional terms may however bear on the assessment of the second and third elements (WIPO Overview 3.1, section 1.8; see LEGO Juris A/S v. HILL Long, WIPO Case No. D2024-4472, <legotv.shop>, regarding the addition of the term "tv" to the LEGO trademark; Whaleco Inc., Whaleco Technology Limited v. Tibor Sturm, TemuTreasureShop, WIPO Case No. D2025-4972, <temutreasure.com>, regarding the addition of the term "treasure" to the TEMU trademark).

Finally, the generic Top-Level Domain ".com" is viewed as a standard registration requirement and is disregarded under the first element of the confusing similarity test (WIPO Overview 3.1, section 1.11.1).

Thus, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademarks.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy)

While 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 often impossible task of proving a negative. Accordingly, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied the second element (WIPO Overview 3.1, section 2.1).

The Complainant asserts, and the Respondent has not disputed, that the Respondent has never been licensed or otherwise authorized to use the Complainant's TEMU trademarks, whether in the disputed domain names <temuhdtv.com> and <temuhd-tv.com> or otherwise, and that the Respondent never sought the Complainant's consent to register the disputed domain names (Annex 1, paragraph 11).

The Panel further observes that there is no evidence showing that the Respondent has been commonly known by the disputed domain names or owns any registered trademark rights with respect to the disputed domain names. The mere reproduction of the disputed domain name in the registrant information of <temuhdtv.com> is not sufficient to establish that the Respondent has been commonly known by it within the meaning of paragraph 4(c)(ii) of the Policy. A claim to be commonly known by a domain name must be genuine and supported by credible evidence, and a name which was evidently chosen in order to take advantage of the complainant's trademark does not give rise to rights or legitimate interests (WIPO Overview 3.1, section 2.3).

Moreover, the disputed domain names, which combine the Complainant's TEMU trademark with the descriptive terms "hd" and "tv", carry a significant risk of implied affiliation, as they suggest that the websites to which they resolve are an official or authorized television or video service of the Complainant (WIPO Overview 3.1, section 2.5.1). The Panel notes in this respect that the Complainant's European Union trademark registrations No. 018816488 and No. 018816489 cover, in Class 41, the provision of online videos and of films via video-on-demand services (Annex 6), so that the services offered under the disputed domain names fall within the very field covered by the Complainant's trademarks.

Indeed, the website at <temuhdtv.com> was presented under the name "TemuHDTV", prominently displayed a logo featuring the term "TEMU" in large capital letters and used the email address <support@temuhdtv.com> (Annex 1, paragraph 9; Annex 8).

The website at <temuhd-tv.com> was presented under the name "Temu HD TV" and redirected Internet users to third-party commercial IPTV platforms, including "Gold Club IPTV" and "Restream IPTV" (Annex 1, paragraph 10). Although the screenshots of this website announced as Annex 9 were not filed, the Panel has no reason to doubt the sworn description given in the Christensen Declaration, which is corroborated by the screenshot taken by the CAC when notifying the Complaint, showing that the contact page of the website at <temuhd-tv.com> redirected to a "GoldClub Support" page. By reproducing the Complainant's trademark as the main identifier of these commercial services, without any disclaimer, the Respondent has intentionally sought to create confusion among Internet users. Such conduct does not constitute a bona fide offering of goods or services.

In addition, the website at <temuhdtv.com> displayed an orange square logo featuring the word "TEMU" in large white capital letters, with the letters "HDTV" in a significantly smaller font underneath (Annex 1, paragraph 9; Annex 8). This logo is reminiscent of the

Complainant’s own orange TEMU logo, of which the Panel has taken notice (WIPO Overview 3.1, section 4.8), and further reinforces the misleading impression of an affiliation with the Complainant. No such evidence is available for the website at <temuhd-tv.com>, the screenshots of which were not filed.

Thus, the Panel concludes that the Respondent is neither using the disputed domain names in connection with a bona fide offering of goods or services, nor making a legitimate noncommercial or fair use of them.

Finally, the Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain names. However, by failing to file a response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent’s failure as it considers appropriate in accordance with paragraph 14(b) of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

Bad Faith (paragraph 4(a)(iii) of the Policy)

In light of the record, the Panel finds that the Respondent was aware of the Complainant’s trademark registrations and rights to the TEMU trademarks when it registered the disputed domain names.

The disputed domain names contain in their entirety, without any authorization or approval, the Complainant’s registered and renowned TEMU trademarks, which have no meaning other than as the Complainant’s trademark, as the USPTO registration certificates filed confirm (Annex 5), and merely add the descriptive terms “hd” and “tv”.

The disputed domain names were registered on August 24, 2025 and July 6, 2026, that is, approximately three and four years after the launch of the TEMU marketplace in September 2022, and well after the registration of the Complainant’s trademarks in 2022, 2023 and 2024.

In addition, owing to the substantial presence established worldwide and on the Internet by the Complainant, whose marketplace is available in approximately 100 countries and whose TEMU trademark has been recognized as well-known by previous UDRP panels (see Whaleco Inc. d/b/a Temu v. Mo AU, WIPO Case No. D2024-0929), and given the content of the websites associated with the disputed domain names, namely paid IPTV services presented under the names “TemuHDTV” and “Temu HD TV”, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant’s trademarks when registering the disputed domain names. The registration of a domain name that is confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (WIPO Overview 3.1, sections 3.1.4 and 3.2.2).

This finding is reinforced by the content of the website associated with <temuhdtv.com>, which displayed an orange logo featuring the term “TEMU” in large white capital letters together with the slogan “Watch Like a Billionaire”, echoing the Complainant’s advertising slogan “Shop Like a Billionaire” (Annex 1, paragraphs 6 and 9; Annex 8).

Consequently, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of its websites, within the meaning of paragraph 4(b)(iv) of the Policy.

In addition, the Panel notes that the registrant of <temuhd-tv.com> used a privacy service and that the contact details provided by the registrant of <temuhdtv.com> appear to be false, the postal address indicated being non-existent. While the use of a privacy service is not in itself an indication of bad faith, its use in order to conceal the registrant’s identity and the provision of false contact details may, together with the other circumstances of the case, support an inference of bad faith (WIPO Overview 3.1, section 3.6). This is the case here.

For all these reasons, the Panel finds that the disputed domain names were registered and are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. temuhdtv.com: Transferred
- 2. temuhd-tv.com: Transferred

PANELLISTS

Name Nathalie Dreyfus

DATE OF PANEL DECISION 2026-10-19

Publish the Decision