

ADMINISTRATIVE PANEL DECISION

Railteam B.V. v. railteam railteam

Case No. DUA2026-0006

1. The Parties

The Complainant is Railteam B.V., Netherlands (Kingdom of the), represented by Scan Avocats AARPI, France.

The Respondent is railteam railteam, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <railteam.com.ua> (the “Disputed Domain Name”) is registered with Internet Invest, Ltd. dba Imena.ua (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2026. On April 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 17, 2026, the Registrar 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 (Registrant information is not published, Whois privacy protection service) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 20, 2026, providing the registrant and contact information disclosed by the Registrar and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not file an amendment to the Complaint.

On April 20, 2026, the Center informed the Parties in Ukrainian and English, that the language of the registration agreement for the Disputed Domain Name is Ukrainian. On April 23, 2026, the Complainant confirmed its request that English be the language of the proceedings. The Respondent objected to the Complainant’s request.

The Center verified that the Complaint satisfied the formal requirements of .UA Domain Name Dispute Resolution Policy (the “.UA Policy”), the Rules for .UA Domain Name Dispute Resolution Policy (the “.UA Rules”), and the WIPO Supplemental Rules for .UA Domain Name Dispute Resolution Policy (the “WIPO Supplemental Rules”).

In accordance with the .UA Rules, paragraphs 2 and 4, the Center formally notified the Respondent in English and Ukrainian of the Complaint, and the proceedings commenced on April 29, 2026. In accordance with the .UA Rules, paragraph 5(a), the due date for Response was May 19, 2026. The Respondent sent an email communication in Ukrainian to the Center on April 24, 2026.

The Center appointed Mariia Koval as the sole panelist in this matter on May 26, 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 .UA Rules, paragraph 7.

On June 24, 2026, the Panel issued a procedural order ("Procedural Order No. 1") both in English and Ukrainian, in which the Panel invited the Complainant to submit evidence showing (a) its online presence and scale of its operations at the time of registration of the Disputed Domain Name and (b) any circumstances supporting a conclusion that it is more likely than not that the Disputed Domain Name was registered with the Complainant in mind. The Procedural Order No. 1 also invited the Respondent to submit by July 1, 2026 documentary evidence supporting its claimed commercial activities and use of the name "railteam". The Procedural Order No. 1 also invited the individual who registered the Disputed Domain Name to forward the Complaint, the annexes, and the Notification of Complaint to ТОВ "Рейлтім" (Railteam LLC), if he considers that this party has an interest in the proceedings. The Decision due date was extended to July 7, 2026. On July 1, 2026, the Complainant submitted a response to the Procedural Order No. 1. The Parties filed their submissions pursuant to the Procedural Order No. 1 on July 1 and July 2, 2026.

On July 6, 2026, the Complainant sent an email communication in which noted that the Respondent submitted its response to the Procedural Order No. 1 in Ukrainian to the Center on July 2, 2026, i.e. after the deadline set by the Panel in the Procedural Order No. 1. The Complainant also requested that the Complainant be granted a brief period of time to have the Respondent's documents translated, reviewed and, if necessary, to submit short observations strictly limited to those new materials. The Panel invited the Parties to comment on other Party's submission made in response to the Procedural Order No. 1. The Complainant filed its submission on July 13, 2026. The Respondent did not submit any comments.

4. Factual Background

The Complainant, founded in 2007, is a Dutch company, composed of seven European railway operators SNCF (France), Deutsche Bahn ("DB") (Germany), Eurostar (United Kingdom), SBB (Switzerland), ÖBB (Austria), SNCB (Belgium), and NS International (Netherlands (Kingdom of the)) (the "Railteam Alliance") whose goal is to promote seamless travel by high-speed rail throughout Europe, in developing a joint network that connects the European metropolises to one another. The Complainant operates more than 1,000 high-speed trains and 44 lounges, through which passengers can travel to over 100 destinations across Europe. Collectively, the Complainant's members operated an extensive international rail network connecting numerous European countries and transporting a massive number of passengers each year.

The Complainant is the owner of the following RAILTEAM trademark registrations (the "RAILTEAM Trademark"):

- French Trademark Registration No. 3374388 for RAILTEAM, registered on September 9, 2005, in classes 16, 35, and 39;
- International Trademark Registration No. 887130 (designating Ukraine) for RAILTEAM, registered on January 6, 2006, in classes 12, 16, 35, 39, and 43; and
- European Union Trade Mark Registration No. 009621707  for , registered on June 3, 2011, in classes 16, 35, 38, and 39.

The Complainant has built up a considerable online presence and operates a number of domain names,

including <railteam.com> and <railteam.eu> and others.

The Disputed Domain Name was registered on August 16, 2024. As of the date of filing of the Complaint and this Decision, the Disputed Domain Name resolves to an inactive website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainant contends that the Disputed Domain Name is identical to the Complainant's RAILTEAM Trademark since the Disputed Domain Name reproduces the Complainant's RAILTEAM Trademark in its entirety.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Complainant had extensively used its RAILTEAM Trademark and established significant goodwill long before the Respondent registered the Disputed Domain Name;
- the Respondent is not affiliated with the Complainant in any way;
- the Respondent is not commonly known by the Disputed Domain Name or the name "railteam";
- the Respondent has not been licensed, contracted or otherwise permitted by the Complainant in any way to use the prior RAILTEAM Trademark or to register any domain name incorporating the RAILTEAM Trademark, nor has the Complainant acquiesced in any way to such use of the RAILTEAM Trademark by the Respondent;
- a simple search via Google or any other search engine using the keyword "railteam" shows that several of the results refer to the Complainant and its activity, including links to the Complainant's websites. In these circumstances, the Respondent should reasonably have been aware of the existence of the Complainant's activity under the RAILTEAM Trademark when it registered the Disputed Domain Name;
- the Respondent is not using the Disputed Domain Name for a bona fide offering of goods or services.

The Complainant contends that the Respondent registered and is using the Disputed Domain Name in bad faith based on the following. The choice of the term "railteam" cannot have been made accidentally by the Respondent. Indeed, the Respondent knew, or at the very least should have known, of the Complainant's prior intellectual property rights in the RAILTEAM Trademark at the time the Disputed Domain Name was registered. The Disputed Domain Name reproduces entirely the Complainant's RAILTEAM Trademark. Therefore, it appears that the Respondent has registered and uses the Disputed Domain Name in order to create an association with the Complainant's RAILTEAM Trademark, domain names, and company name RAILTEAM. Such use is likely to be deceptive as Internet users may believe that the Disputed Domain Name points to the Complainant's website and causes harm to the Complainant's brand image.

A technical DNS lookup reveals that the Respondent has actively configured Mail Exchange ("MX") records for the Disputed Domain Name. The setup of MX records on the Disputed Domain Name demonstrates that the Respondent has the technical capability to send and receive emails using addresses "[...].@railteam.com.ua". Given that there is no active website or legitimate business associated with the Disputed Domain Name, the only conceivable purpose for configuring these email servers is to engage in fraudulent activities, such as sending spam or phishing emails while impersonating the Complainant.

In its response to the Procedural Order No. 1, the Complainant made various additional submissions in relation to its online presence and scale of its operations at the time of registration of the Disputed Domain Name, as well as regarding a conclusion that it is more likely than not that the Disputed Domain Name was registered with the RAILTEAM Trademark in mind. In particular, the Complainant claims that its RAILTEAM

Trademark already had a well-established online presence long before the registration of the Disputed Domain Name. The Complainant's domain name <railteam.eu>, registered in 2006, had been continuously accessible for many years before the registration of the Disputed Domain Name. The Complainant also maintained – and continues to maintain – an online presence through the digital channels of its member railway companies, each of which clearly references RAILTEAM and provides a hyperlink to the Complainant's services starting from 2007. The Complainant has also received extensive coverage in the press. The Complainant also highlighted that it represents a longstanding alliance bringing together major European railway operators.

Moreover, the Complainant presented internal presentations and correspondence exchanged between the DB (Germany), a member of the Railteam Alliance, and the Ukrainian Railway Service ("Ukrzaliznytsya") which demonstrate ongoing cooperation regarding cross-border passenger rail services, including the coordination of train connections at the Polish-Ukrainian border station of Przemyśl and closer cooperation on international ticketing, which forms part of the European Ticketing Roadmap.

The Complainant also asserts that no element of the Disputed Domain Name distinguishes it from the Complainant's RAILTEAM Trademark or suggests an independent meaning unrelated to the Complainant. In spite of the Respondent having asserted that the Disputed Domain Name was registered on behalf of a company that operates under the name ТОВ "Рейлтім" (Railteam LLC) in Ukraine, this assertion does not, in itself, explain why that particular name was selected, especially in Latin characters. The Complainant notes that the Respondent has not identified any independent meaning of the term "railteam", nor explained why it has chosen a name already used internationally for almost two decades by the Complainant. Moreover, in the Complainant's view, the Respondent did not provide any explanation of the intended use of the Disputed Domain Name. In the absence of evidence that the expression "railteam" has an independent meaning in Ukrainian or is commonly used in the railway industry by railway operators, the prior existence of the Complainant's RAILTEAM Trademark remains a compelling explanation for the Respondent's choice.

In its response to the Panel's invitation for the Parties to provide limited comments on each other's submissions in response to the Procedural Order No. 1 the Complainant also claims that the Respondent's Supplemental Filing does not rebut the objective circumstances established by the Complainant in response to the Procedural Order No. 1. Namely, in the Respondent's latest Supplemental Filing dated July 2, 2026, the Respondent does not dispute any of the Complainant's assertions, which are fully substantiated. The Complainant asserts that significantly, while the Respondent's first informal response expressly challenged the Complainant's alleged lack of visibility in Ukraine, its Supplemental Filing no longer disputes the substantial evidence produced by the Complainant in response to the Procedural Order No. 1. In addition, the Complainant claims that far from weakening the Complainant's arguments, the Respondent's Supplemental Filing confirms that it operates as a professional undertaking exclusively within the railway sector. According to its own submissions, the Respondent carries out activities including the maintenance of railway wagons, the supply of railway equipment, storage services and other railway-related services.

The Complainant further contends that the Respondent is therefore not a business operating in an unrelated field which happened to adopt the RAILTEAM name by coincidence. Rather, it is an entity operating within the very railway sector in which the Complainant's Railteam Alliance has been publicly active and widely promoted for many years. In this regard, it must be emphasized that the railway sector in Ukraine is highly regulated and professionalized. The Respondent, specializing in rolling stock maintenance and component supply, must be aware of major European alliances and standards.

In addition, the Complainant asserts that choice of the name "railteam" by the Respondent contrasts with standard Ukrainian business naming conventions, which typically use descriptive Ukrainian words (e.g., "zaliznytsya" for railway). The use of the exact Latin designation "railteam" by a company founded 17 years after the filing of the Complainant's registered RAILTEAM Trademark is particularly suspicious and demonstrates that this name was not conceived of independently.

B. Respondent

The Panel notes at the outset that the Respondent's communications were filed from the Registrar-confirmed email address by an individual entrepreneur Mr. G. who asserted that he represents a company TOB "Рейлтім" (Railteam LLC) incorporated in Ukraine on whose behalf he registered the Disputed Domain Name. He provided a copy of a service agreement dated August 16, 2024, under which Mr. G. provides technical and digital support services to Railteam LLC.

In its email communications, the Respondent objected to the Complaint. The Respondent contends that Railteam LLC conducts genuine and ongoing business operations in Ukraine and the Disputed Domain Name is used in connection with these legitimate business activities.

The Respondent further submits that the Disputed Domain Name corresponds to the name of the company TOB "Рейлтім" (Railteam LLC), and has been used independently in connection with its commercial operations. The Respondent contends that the absence of any license, authorization, or permission from the Complainant does not establish a lack of rights or legitimate interests.

The Respondent also emphasizes that the Parties operate in substantially different fields of activity:

- the Complainant is engaged in passenger transportation services in Europe; whereas
- the Respondent operates in the field of railcar repair services in Ukraine.

According to the Respondent, these differences eliminate any realistic likelihood of consumer confusion and further support the independent and legitimate use of the designation by the Respondent.

The Respondent further submits that, at the time of registration of the Disputed Domain Name, it was neither aware, nor could it reasonably have been aware, of the Complainant or any alleged rights of the Complainant. The Disputed Domain Name:

- was not registered for the purpose of sale or transfer to the Complainant or any third party;
- has not been used to mislead consumers; and
- has not been used to exploit or capitalize on the Complainant's alleged reputation.

The Respondent submits that the absence of an active website does not, in itself, constitute evidence of bad-faith registration or use of the Disputed Domain Name.

The Respondent further notes that the configuration of MX records constitutes a standard technical function associated with the Disputed Domain Name management and operation; and that the Complainant has produced no evidence whatsoever that the Disputed Domain Name has been used for phishing, fraud, impersonation, or any other unlawful activity.

In its response to the Procedural Order No. 1, the Respondent made additional submissions and filed further documentary evidence of the commercial activities of the entity TOB "Рейлтім" (Railteam LLC). The Respondent asserts that TOB "Рейлтім" (Railteam LLC) operates exclusively in Ukraine and provides services for the repair of cargo wagons and the supply of the necessary spare parts for such repairs. In order to conduct its business activities, TOB "Рейлтім" (Railteam LLC) commissioned the purchase of the company's domain name – the Disputed Domain Name – which TOB "Рейлтім" (Railteam LLC) has been using since its registration to the present.

The Respondent also presented documentary evidence confirming the existence of and business activities of TOB "Рейлтім" (Railteam LLC) during 2024-2026, specifically contracts and bank statements with their descriptions.

The Respondent also asserts that the Disputed Domain Name is used within the scope of the declared business activities; without infringing on the rights of third parties; without the intent to obtain an unlawful benefit at the expense of the Complainant's reputation.

6. Discussion and Findings

Paragraph 4(a) of the .UA Policy binds the complainant to prove each of the following three elements to succeed:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered or is being used in bad faith.

Taking into consideration substantive similarities between the .UA Policy and the Uniform Domain Name Dispute Resolution Policy (“UDRP”), the Panel has taken note of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)) and, where appropriate, will decide consistent with the consensus views captured therein.

6.1. Procedural Issues

A. Location of the Respondent

According to the paragraph 10 of the .UA Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since the Respondent’s mailing address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the .UA Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel considers that there are no grounds for suspension or termination of the proceedings in view of the following.

In its email communications sent by the Respondent to the Center on April 24, 2026, the Respondent objected to the Complaint and to the Complainant’s request with regards to the language of the proceedings, having also attached a formal objection to the Complaint and corporate and financial documents. In its response to the Procedural Order No. 1, submitted to the Center on July 2, 2026, the Respondent objected to the Complainant’s claims, contending that the Complainant’s claims are unfounded and should be denied. The Respondent further submitted that TOB “Рейлтім” (Railteam LLC) had no intention of targeting or discrediting the Complainant and that the Disputed Domain Name has been used solely in connection with TOB “Рейлтім” (Railteam LLC) business activities in Ukraine. The Panel notes that the Respondent received the Complaint and communications from the Center at the email address confirmed by the Registrar, and was able to submit its response.

Thus, the Panel considers that the Respondent, having actively participated in the present proceedings, as well as received all notices and necessary correspondence (at least in electronic form) and having replied to some of the Center’s communications and the Panel’s Procedural Order No. 1, had the opportunity to participate in the proceedings and to properly defend its rights.

The Panel therefore concludes that the Respondent, who is allegedly located in Ukraine, has been afforded a fair opportunity to present its case and, in order to ensure that the administrative proceedings are conducted with due expedition, the Panel proceeds with the case.

B. Language of the Proceedings

In accordance with paragraph 11 of the .UA Rules, unless otherwise agreed by the Parties, or specified

otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Registrar confirmed that the language of the Registration Agreement for the Disputed Domain Name is Ukrainian.

The Complainant filed the Complaint in English and requested English to be the language of the proceedings in view of the following:

- the Complainant is a Dutch company operating across Western Europe. Requiring the Complainant to translate the Complaint and all supporting annexes into Ukrainian would impose an unfair and disproportionate financial burden, and would cause significant delay, which is contrary to the primary purpose of the .UA Policy to provide a rapid and cost-effective mechanism for resolving domain name disputes;
- English is not the native language of the Complainant, which is a Dutch company, nor is it presumed to be the native language of the Respondent. Designating English as the language of the proceedings serves as a neutral and equitable solution; and
- the Disputed Domain Name is registered in Latin characters, not Cyrillic, and exactly reproduces the Complainant's RAILTEAM Trademark.

The Respondent objected to the Complainant's request that English shall be the language of proceedings, since the Disputed Domain Name is registered in the country-code Top-Level Domain ("ccTLD") ".ua", through a Ukrainian registrar and governed by the rules applicable in Ukraine. The Registration Agreement for the Disputed Domain Name is in Ukrainian. The Respondent notes it conducts business exclusively within the territory of Ukraine. The Respondent claims that use of English would create a disproportionate burden. English as the language of the proceedings would lead to the need to translate a significant volume of documents and additional financial costs.

Paragraph 10(c) of the .UA Rules sets out that the Panel shall ensure that the administrative proceedings take place with due expedition.

The Complainant is a Dutch company and is not obviously able to understand and to communicate in Ukrainian. Forcing the Complainant to translate the Complaint and annexes thereto, would result in additional expenses for the Complainant and would delay these proceedings.

In exercising its discretion to use a language other than that of the Registration Agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including matters such as the Parties' ability to understand and use the proposed language, time and costs.

The Disputed Domain Name and the ccTLD comprise Latin script. The Panel has taken into account the fact the Respondent, having a possibility to use the Cyrillic script, chose the Latin script for the Disputed Domain Name. The term "railteam" has no meaning in the Ukrainian language. The Respondent, having received the Complaint in English, filed an objection against it in Ukrainian, addressing its substance, which evidences that the Respondent can understand English. Moreover, the Panel has also taken into account that according to the evidence presented by the Complainant (Annex B1 to the Complaint) the Disputed Domain Name resolves to an inactive website with no content.

Having considered all circumstances of this case, the Panel concludes under paragraph 11(a) of the .UA Rules that English shall be the language of the proceedings. The Panel has, however, taken due note of the Respondent's communications all filed in Ukrainian and relevant annexes.

C. Delay of the Respondent's Response to Procedural Order No. 1

Procedural Order No. 1 was issued by the Panel on June 24, 2026, by which the Respondent was invited to submit, by no later than July 1, 2026, evidence supporting its claimed commercial activities and use of the name “railteam”.

The Respondent filed its submission with the Center on July 2, 2026, after the deadline set in the Procedural Order No. 1, a fact also noted by the Complainant.

In the circumstances of this case, having regard to the minimal delay, the Respondent’s location in Ukraine which is subject to an international conflict at the date of this Decision, and the Panel’s duty to ensure that each Party is given a fair opportunity to present its case, the Panel has exercised its discretion and admits the submission. The Panel is satisfied that no undue prejudice is caused to the Complainant, which was afforded an opportunity to comment on the Supplemental Filing.

6.2. Substantive Issues

A. Identical or Confusingly Similar

In accordance with paragraph 4(a)(i) of the .UA Policy it should be established that the Disputed Domain Name is identical or confusingly similar to a mark in which the Complainant has rights.

Section 1.2.1 of the [WIPO Overview 3.1](#) makes clear that, 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 case.

The Panel accepts that the Complainant demonstrated that it has the rights in the RAILTEAM Trademark in view of a large number of registrations in different jurisdictions, including Ukraine.

The Disputed Domain Name incorporates the RAILTEAM Trademark in its entirety combined with the ccTLD “.com.ua”. Previous .UA and UDRP panels have recognized that incorporation of a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to the complainant’s registered mark; see *bridport & cie S.A v. Privetewhois.net*, *Private Whois bridportadvisory.com*, WIPO Case No. [D2011-2262](#). In accordance with prior decisions under the .UA Policy, the ccTLD in a domain name is viewed as a standard registration requirement and as such is generally disregarded under the first element test. See *AB Electrolux v. Захаров Евгений*, WIPO Case No. [DUA2020-0006](#). Therefore, the addition of the ccTLD “.com.ua” in the Disputed Domain Name in this case does not prevent a finding that the Disputed Domain Name is identical to the Complainant’s RAILTEAM Trademark.

In view of the above, the Panel concludes that the Disputed Domain Name is identical to the Complainant’s RAILTEAM Trademark and therefore, the Complainant has satisfied the first element of the .UA Policy.

B. Rights or Legitimate Interests / Registered or Used in Bad Faith

According to paragraph 4(a)(ii) of the .UA Policy the Complainant has to establish that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

The applicable standard of proof in .UA cases is the “balance of probabilities” or “preponderance of the evidence”; some .UA and UDRP panels have also defined it as the “all circumstances considered” standard. Under this standard, a party must demonstrate to the satisfaction of the Panel that the alleged fact is more likely to be true than not.

The Complainant was founded in 2007. The Complainant is the owner of numerous registrations of the RAILTEAM Trademark all over the world, including Ukraine. The Complainant claims that the Respondent is not affiliated with nor authorized by the Complainant to use previously registered RAILTEAM Trademark, including in the Disputed Domain Name.

The Respondent asserts that the Disputed Domain Name corresponds to its company name and has been used independently in connection with its commercial operations. The Panel notes that the Respondent has provided evidence that the Disputed Domain Name was registered in 2024 for an active Ukrainian company bearing a name corresponding to the RAILTEAM Trademark. The nature of its business, according to the evidence on file, is maintenance and repair of freight wagons.

The Panel has considered the Respondent's assertions that the Disputed Domain Name was registered on behalf of TOB "Рейлтим" (Railteam LLC) for use in its business activities, as well as the documentary evidence relating to the company's commercial operations.

The Panel is of the opinion that the focus now must turn to the third element of the .UA Policy, because the Respondent's use of the Disputed Domain Name cannot be considered to be in connection with a bona fide offering of goods or services, if the Disputed Domain Name, as alleged by the Complainant, was registered while targeting the Complainant's mark.

In this regard, the Panel notes that, while the Respondent relies on its company name, the incorporation of a company under a particular matching name does not of itself confer rights or legitimate interests where the surrounding circumstances indicate that the Disputed Domain Name has been adopted with the Complainant's prior RAILTEAM Trademark in mind.

Paragraph 4(b) of the .UA Policy sets out a non-exhaustive list of circumstances that indicate bad faith conduct on the part of the respondent, namely:

(i) circumstances indicating that the respondent has registered or has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the disputed domain name; or

(ii) the respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the disputed domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds that the Complainant's first registration for the RAILTEAM Trademark predates the registration of the Disputed Domain Name by more than 15 years. The Panel is of opinion that it is more likely than not that the Respondent registered the Disputed Domain Name, which is identical to the Complainant's RAILTEAM Trademark, with a view to take unfair advantage thereof.

The Respondent asserts that at the time the Disputed Domain Name was registered, the Respondent was not aware of, and could not have been objectively aware of, the Complainant's rights in the RAILTEAM Trademark. The Panel is not persuaded by the Respondent's assertion that it was unaware of the Complainant or its trademark rights at the time of registration of the Disputed Domain Name. In the present case, the Complainant's RAILTEAM Trademark had existed for more than 15 years, including protection in Ukraine, the Respondent adopted a transliteration of the RAILTEAM Trademark as its company name but registered the Disputed Domain Name in the Latin script. Accordingly, the Panel considers that the

Respondent most likely knew about the Complainant's RAILTEAM Trademark rights when adopting the Disputed Domain Name and targeted it.

Also, as established in section 3.2.2 of the [WIPO Overview 3.1](#), in circumstances where a complainant's mark is widely known in its sector or is highly distinctive, and where a respondent cannot credibly claim ignorance of the mark, panels may infer that the respondent was aware, or should have been aware, of the complainant's rights. Applying this principle, the Panel finds that the Respondent, operating in the same railway sector as the Complainant, could not reasonably have been unaware of the longstanding RAILTEAM Trademark when it adopted an identical designation as its company name and registered the Disputed Domain Name.

The Panel attaches weight to the fact that the Respondent operates in the same railway sector as the Complainant, the Complainant has been operating a similar <railteam.eu> domain name consistently since 2007 and owns <railteam.com>, and one of the Complainant's alliance members, Deutsche Bahn, has been collaborating with Ukrainian Railways Ukrzaliznytsia in the field of passenger and freight traffic since 2021;¹ the registration of an identical domain name without any credible explanation for the choice of the name "railteam", given the totality of the circumstances of this case, supports the inference that the Respondent sought to benefit from the reputation associated with the Complainant's RAILTEAM Trademark. The Respondent's conduct, in the Panel's opinion, creates a risk that Internet users seeking information about the Complainant may be diverted to the Disputed Domain Name controlled by the Respondent.

Moreover, while the Disputed Domain Name resolves to an inactive website, it has been established that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, 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 its registration agreement). [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's RAILTEAM Trademark and the Complainant's well-reported involvement and reputation in the railway operation industry, the composition of the Disputed Domain Name, and finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the UA. Policy.

Further, paragraph 4(b)(iii) of the .UA Policy recognizes bad faith where a respondent has registered a domain name primarily for the purpose of disrupting the business of a competitor. In the present case, the Respondent and the Complainant operate in the same railway sector, and the Respondent adopted an identical Disputed Domain Name (in the Latin script) corresponding to the Complainant's longstanding RAILTEAM Trademark. The absence of any convincing explanation for this choice supports the conclusion that the registration was intended to exploit the goodwill attached to the RAILTEAM Trademark.

The Panel further notes that the absence of any evidence explaining the origin of the Respondent's company name "рейлітм", which has no meaning in Ukrainian and is a transliteration of the Complainant's mark, combined with the Complainant's longstanding use of an identical RAILTEAM Trademark in the same industry, supports the inference that the Disputed Domain Name was adopted with knowledge of the Complainant's rights. The Panel considers significant that the Respondent operates in the railway sector, which is the same sector in which the Complainant's RAILTEAM Trademark has been used for many years. In these circumstances, the Respondent's claim of having independently selected an identical designation becomes less plausible, particularly given the international profile of the Complainant and its links with major

¹The Panel notes that the Complainant's evidence in this regard relates to the ongoing collaboration and dates from November 2024, which postdates the registration date of the Disputed Domain Name. The Panel has, however, independently ascertained pursuant to its general powers articulated in paragraphs 10 and 12 of the .UA Rules, that such collaboration started in 2021 ("www.db-engineering-consulting.com/en/updates/cooperation-with-jsc-ukrainian-railways-for-passenger-transportation-started/"), i.e. before the registration of the Disputed Domain Name.

European railway operators. The Panel therefore concludes, on the balance of probabilities, that the Respondent's registration of the Disputed Domain Name was not the result of an independent and coincidental choice, but was made with the Complainant's RAILTEAM Trademark in mind. The Respondent's selection of an identical name, combined with its activity in the same railway sector and the Complainant's longstanding reputation and trademark rights, leads the Panel to conclude, on the balance of probabilities, that the Respondent was aware of the Complainant and its RAILTEAM Trademark rights when it registered the Disputed Domain Name.

For the foregoing reasons, the Panel concludes that the Respondent has no rights or legitimate interests in the Disputed Domain Name and it has been registered in bad faith. Accordingly, the Complainant has fulfilled the second and third conditions of paragraph 4(a) of the .UA Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the .UA Policy and 15 of the .UA Rules, the Panel orders that the Disputed Domain Name <railteam.com.ua> be transferred to the Complainant.

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: July 22, 2026