

ADMINISTRATIVE PANEL DECISION

Trifleet Leasing Holding B.V. v. Akmuhammet Jorayev
Case No. D2026-0446

1. The Parties

The Complainant is Trifleet Leasing Holding B.V., Netherlands (Kingdom of the), represented by Mayer Brown LLP, United States of America ("United States").

The Respondent is Akmuhammet Jorayev, Turkmenistan, self-represented.

2. The Domain Name and Registrar

The disputed domain name <tankcontainerowner.com> is registered with Registrar of Domain Names REG.RU LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 3, 2026. On February 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On February 5, 2026, the Center informed the Parties in Russian and English that the language of the registration agreement for the disputed domain name is Russian. On February 5, 2026, the Complainant confirmed its request that English be the language of the proceedings. The Respondent did not submit any comment on the Complainant's submission but sent its email communications to the Center in Russian.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in Russian and English of the Complaint, and the proceedings commenced on February 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2026. The Respondent sent five email

communications in Russian to the Center on February 10, 2026. The Center notified the Parties of the commencement of the panel appointment process on March 3, 2026.

The Center appointed Assen Alexiev as the sole panelist in this matter on March 9, 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 Rules, paragraph 7.

4. Factual Background

The Complainant was founded in 1990 in the Netherlands (Kingdom of the). It is a global tank container leasing enterprise, offering standard and specialised tank containers for various industries. In December 2020, the Complainant was acquired by GATX Corporation. One of the Complainant's subsidiaries is the Dutch company Tank Container Owner B.V., registered in 1995, which holds and operates tank container assets within the Complainant's leasing infrastructure.

The disputed domain name was registered on January 11, 2024. It is currently inactive and resolves to a landing page of the Registrar that displays the Russian text "Домен не привязан к хостингу" (in English, "The domain name is not linked to a hosting service"). At the time of filing of the Complaint, the disputed domain name resolved to an English-language website that offered tank storage, processing and shipment services and displayed contact information and a registration number that were identical to the contact information and the registration number of the Complainant's Dutch subsidiary Tank Container Owner B.V.

5. Parties' Contentions

A. Complainant

The Complainant submits that it has unregistered trademark rights in the designation "TANK CONTAINER OWNER" by virtue of its consistent use in commerce, including in marketing, business operations, and industry recognition.

The Complainant states that the disputed domain name is identical or confusingly similar to its TANK CONTAINER OWNER unregistered trademark, because it incorporates the trademark in its entirety.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because the Complainant has never had any dealings with the Respondent and has not authorised it to use the "TANK CONTAINER OWNER" trademark. According to the Complainant, the Respondent registered the disputed domain name to impersonate the Complainant and perpetrate fraud. The Complainant points out that the Respondent registered the disputed domain name many years after the "TANK CONTAINER OWNER" trademark was first used. The Complainant adds that the Respondent has used the disputed domain name to confuse consumers into believing that it is affiliated with the Complainant by including contact information for the Respondent's purported physical address and its purported "Chamber of Commerce" number, both of which are identical to those of the Complainant's Dutch subsidiary.

The Complainant submits that the Respondent has made no bona fide offering of goods or services in connection with the disputed domain name. Rather, its registration appears to have been done solely to impersonate the Complainant and exploit the Complainant's goodwill in order to commit fraud. In the Complainant's view, parties convinced that the Respondent is affiliated with the Complainant and lured into the scheme would face significant financial losses.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant notes that the Respondent was aware of the Complainant and the "TANK CONTAINER OWNER" trademark and deliberately registered and used the disputed domain name to unfairly take

advantage of the confusing similarity between this trademark and the disputed domain name to impersonate the Complainant in an effort to perpetrate fraud.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions.

It made a number of statements with its informal communications to the Center.

The Respondent states that it is a freelancer and provides technical support for Internet projects, and that the disputed domain name was registered by it as part of a freelance assignment for a third party, whose identity the Respondent does not disclose. The Respondent submits that there was an agreement between it and its client to subsequently transfer to the latter the entire technical infrastructure of the project, and that the disputed domain name was registered as part of such technical infrastructure.

The Respondent maintains that the registration and use of the disputed domain name were not made in bad faith and that it had no intent to infringe the rights of third parties. The Respondent adds that it is not the owner of any trademark and is not associated with its client, that it has not used the disputed domain name for its own commercial purposes, and that it has no intention of deriving commercial benefit from the use of the disputed domain name. The Respondent notes that it has not offered the disputed domain name for sale and has not used it to mislead users.

With its last communication to the Center, the Respondent states that it agrees to transfer the disputed domain name to the Complainant for the purposes of a final settlement of the dispute.

6. Discussion and Findings

6.1. First Preliminary Issue – Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requests that the language of the proceedings be English with the arguments that the disputed domain name is comprised solely of English words and lacks any Cyrillic characters or Russian-specific elements, and that the Respondent has used the disputed domain name for a website that was entirely in English. The Complainant submits that a Russian-language proceedings would be unnecessarily burdensome and contrary to the UDRP's objective of resolving disputes expeditiously and equitably.

The Respondent made no comments on the Complainant's language request, but sent its email communications to the Center in Russian.

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

6.2. Second Preliminary issue – Respondent Identity

The Respondent maintains that it registered the disputed domain name on behalf, and in the interest, of a third-party client. It states that the disputed domain name was registered in its name solely for technical reasons and as part of fulfilling an order. The Respondent, however, does not disclose the identity of its alleged client and does not provide any evidence about any arrangements with the same in respect of the ownership and control over the disputed domain name. Its allegations about the involvement of a third-party beneficial owner of the disputed domain name are wholly unsupported by evidence, and they appear to the Panel as probably made in an attempt to escape liability.

As stated in paragraph 1 of the Rules, the Respondent is the holder of a domain-name registration against which a complaint is initiated. The Registrar has confirmed to the Center that the registrant of the disputed domain name is the Respondent. Being its registrant, the Respondent has control over the disputed domain name and is responsible for keeping the relevant registration details up to date.

Considering the above, the Panel finds that the Registrar-confirmed registrant is the proper Respondent in these proceedings.

6.3. Third Preliminary Issue – Consent to Remedy

On February 10, 2026, the Respondent, inter alia, stated to the Center that it agrees to transfer the disputed domain name to the Complainant for the purposes of a final settlement of the present dispute.

As discussed in section 4.10 of the [WIPO Overview 3.1](#), where the respondent has given its consent on the record to the transfer remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision on the merits, (iv) where there is ambiguity as to the scope of the respondent's consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights.

The Panel is not satisfied that the prerequisites to order a transfer of the disputed domain name solely on the basis of the Respondent's consent are present in this case. The Complainant did not react to the Respondent's statement and did not request a suspension of the proceedings for settlement purposes. In this situation, and given that the Respondent does not admit having acted in bad faith, there is no basis for a conclusion that an agreement is in place between the Parties for the disposition of the case, regardless of whether by virtue of a deemed admission or on a no-fault basis. Furthermore, the Panel needs to address the issue of the Complainant's claimed unregistered trademark rights.

In view of the above, the Panel decides to proceed with a decision on the merits of the dispute.

6.4. Substantive Issues

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Complainant does not refer to any registered trademark to establish its standing in the present proceedings. It claims having unregistered trademark rights in the designation “TANK CONTAINER OWNER” and maintains that it has made a consistent use of this designation in commerce, including in marketing and business operations, and that the designation has received industry recognition.

As discussed in section 1.3 of the [WIPO Overview 3.1](#), to establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant’s goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of the use of the mark (which may include social media presence and engagement), (ii) the amount of sales under the mark and during which time period, (iii) the nature and extent of advertising using the mark – including evidence of expenditures over a relevant time period, (iv) the degree of actual public (e.g., consumer, industry such as trade and professional associations, media) recognition, and (v) consumer surveys. The fact that a respondent is shown to have been targeting the complainant’s mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant’s assertion and evidence that its mark has achieved significance as a source identifier. The claimed mark must also be used as a source identifier of goods or services e.g., on a website or on products or packaging used in commerce, provided that the mark, as used, is linked to the goods or services that are being branded with the mark; this may include use by the complainant on letterhead or invoices or email headers and signatures.

In cases involving claimed unregistered or common law marks (which may include domain names) that are comprised solely of descriptive terms or acronyms that are not inherently distinctive, panels require the complainant to present relevant and sufficient examples of evidence of acquired distinctiveness/secondary meaning.

The claimed unregistered trademark “TANK CONTAINER OWNER” is composed of descriptive terms for the goods that the Complainant trades with - “tank containers”, and the whole combination describes its capacity of an “owner of tank containers”. This name has no inherent capacity to identify a specific source of tank containers, as anyone who owns tank containers would be a “tank container owner”. Notably, the Complainant has itself referred to the professional association of tank container operators, named “International Tank Container Organisation”,¹ and to the specialised magazine for this industry “Tankcontainer Magazine”.² This descriptive nature of the claimed unregistered trademark places a high threshold on the Complainant to establish that it has acquired distinctiveness or secondary meaning that the public associates solely with it.

Although the declaration submitted with the Complaint maintains that this has taken place, the Complainant has provided no evidence that supports such conclusion. There is no evidence that the Complainant operates under the brand “TANK CONTAINER OWNER”. The evidence submitted by the Complainant shows that it operates and is known and referred to by the names “Trifleet” or “Trifleet Leasing”. The official website of the Complainant is located at the domain name <trifleet.com>. The photos of tank containers included in the evidence submitted by the Complainant and displayed on its website show that the tank containers of the Complainant are prominently marked with the brand TRIFLEET and with the prefix TIFU, (and the metal plates are marked with “TCO B.V.”) and are being referred to and offered as “Trifleet tank containers”.

In view of all the above, the Panel finds that the Complainant has not shown that the designation TANK CONTAINER OWNER has become a distinctive identifier which consumers associate with its goods or services, and there is no basis for a finding that the Complainant holds unregistered trademark rights in this designation. This in result means that the Complainant does not have standing to file the Complaint, and the same has to be rejected.

¹ <https://www.international-tank-container.org>

² <https://www.tankcontainermedia.com>

B. Rights and Legitimate Interests and Bad Faith

Since the Complainant has failed to establish that it has standing to file the Complaint, it is not necessary to discuss the other elements of the Policy. Nevertheless, the Panel considers it important to make some comments on the Respondent's conduct.

The disputed domain name is practically identical to the name of the Complainant's affiliate Tank Container Owner B.V., and has been used for a website that impersonated the same entity by displaying its contact details and registration number and by offering identical services. Internet visitors to the Respondent's website may well be misled to believe that they are interacting with the Complainant's affiliate rather than with the Respondent and may enter into business relationships with the latter on the basis of such mistaken belief.

While the Respondent's behaviour is reproachable, the Complaint must nevertheless fail because the Complainant has failed to establish the first requirement under the Policy.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: March 19, 2026