

## **ADMINISTRATIVE PANEL DECISION**

Caru Containers B.V. v. Tony Muller, Carucontainers  
Case No. D2026-0782

### **1. The Parties**

The Complainant is Caru Containers B.V., Netherlands (Kingdom of the), represented by Merkenbureau Knijff & Partners B.V., Netherlands (Kingdom of the).

The Respondent is Tony Muller, Carucontainers, Germany.

### **2. The Domain Name and Registrar**

The disputed domain name <caru-modular.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2026. On February 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 3, 2026.

The Center verified that the Complaint together with the amended 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 of the Complaint, and the proceedings commenced on March 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2026. The Respondent sent two informal email communications to the Center on March 20, 2026. Accordingly, the Center informed the Parties that it would commence panel appointment process on April 1, 2026.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on April 13, 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 is a company incorporated under the laws of the Netherlands (Kingdom of the) that was founded in 2000. It is active in the field of storage, selling, and rental of containers and related logistics. The Complainant trades new and used shipping containers across the globe, operating from 10 offices in more than 70 countries.

The Complainant owns numerous trademark registrations consisting in all or in part of the term CARU which are all registered in classes 35 and/or 36 and/or 39 of the Nice Classification, such as:

- Benelux word trademark No. 983592 that was registered on December 29, 2015;
- International word trademark No. 1442793 that was registered on October 22, 2018, designating China, the European Union, United Kingdom, the United States of America, and Switzerland; and
- Brazilian word trademark No. 916177661 that was registered on September 3, 2019.

The Complainant further has an active online presence under the domain name <carucontainers.com>.

The disputed domain name was registered on February 10, 2026, and leads to a website that reproduces the Complainant's trademark notably in its header, as well as the Complainant's company name in the copyright notice in the footer. It purports to offer a range of container modules and displays notably "elite of containers" and "CARU Containers redefines standards of the modular architecture" (translated from French).

#### **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 confusingly similar to its trademark, as it entirely incorporates such trademark. In light of the activities carried out by the Complainant, the term "modular" reinforces the impression that the disputed domain name is associated with, or forms part of, the Complainant's business.

The Complainant then affirms that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant in any way, nor has the Respondent been licensed or otherwise authorized to use the Complainant's trademark. Furthermore, the Respondent is not commonly known under the disputed domain name and did not demonstrate any bona fide offering of goods or services. Instead, the Respondent is using the disputed domain name in a commercial context to trade on the goodwill of the Complainant's trademark to create a likelihood of confusion as to the source of the products.

Finally, the Complainant is of the view that the disputed domain name was registered and is being used in bad faith. Given the Complainant's use of the CARU trademark in connection with container solutions and

the Respondent's operation in the same commercial field, it is inconceivable that the Respondent was unaware of the Complainant at the time of registration. Such use amounts to a usage in bad faith, which is further highlighted by the false contact details and a generic rather than corporate email address used by the Respondent during the registration of the disputed domain name.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions. On March 20, 2026, the Respondent sent an email communication in German in which it references a purported "project" between the Parties, and recommended the Complainant securing "its implementation as soon as possible" (translated from German).

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "[...] decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

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

### **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 of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "modular", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent claims (contrary to the fact, as affirmed by the Complainant) to be affiliated with the Complainant by identifying the registrant organization in the registration details of the disputed domain name as “Carucontainers” and entitling himself as “director”. The additional reproduction of the Complainant’s trademark in the header of the website – and of the Complainant’s company name in the copyright notice in the footer – further demonstrates that the Respondent was clearly aware of the Complainant when it registered the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

The Panel notes the Respondent’s contention regarding an unspecified “project” between the Parties. In this regard, the Complainant states that the Respondent is not affiliated with it, and it has never consented to the Respondent’s registration or use of the disputed domain name. Further, the Respondent did not provide any specific information, let alone evidence, demonstrating registration and usage of the disputed domain name in good faith, in the context of the alleged project or otherwise. To the contrary, the circumstances highlighted above rather demonstrate, based on the available record, that the Respondent had the intent to free ride upon the Complainant’s goodwill and associated trademark. Accordingly, the Panel considers that the disputed domain name is being used in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <caru-modular.com> be transferred to the Complainant.

*/Philippe Gilliéron/*

**Philippe Gilliéron**

Sole Panelist

Date: April 27, 2026