ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
CONTAINEX Container-Handelsgesellschaft m.b.H. v. aves safya
Case No. D2026-4185

1. The Parties

The Complainant is CONTAINEX Container-Handelsgesellschaft m.b.H., Austria, represented by ingenit GmbH & Co. KG, Germany.

The Respondent is aves safya, Cameroon.

2. The Domain Name and Registrar

The disputed domain name <containexcontainer.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2026. On September 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 21, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 22, 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 September 24, 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 September 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 16, 2026.

The Center appointed Anna Carabelli as the sole panelist in this matter on October 21, 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, an Austrian company, is engaged in the manufacture, sale, and rental of a wide range of (new and used) containers and modular space solutions under the CONTAINEX brand. The Complainant's products, services and activities are promoted and advertised online, through the Complainant's official domain name <containex.com>, and in various showrooms throughout Europe, as indicated on the Complainant's website, which the Panel visited.

The Complainant is the owner of the following trademark registrations:

- International trademark registration No. 588148 for CONTAINEX, registered on June 5, 1992, in Classes 12 and 39; and
- International trademark registration No. 655912 for CTX CONTAINEX (figurative) registered on May 8,1996, in Classes 12 and 39.

The disputed domain name was registered on January 24, 2026, and resolves to an active website prominently featuring the Complainant's trademark CONTAINEX above the term "container", and offering for sale new and used containers. The website at the disputed domain name is in Italian and lists an Italian address and phone number.

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 the Complainant's trademark CONTAINEX. The disputed domain name fully incorporates the Complainant's trademark with the addition of the descriptive term "container" which merely refers to the Complainant's core line of business and reinforces the impression of a direct reference to the Complainant;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name. In this regard the Complainant contends that: (i) the Complainant has not authorized or somehow given consent to the Respondent to register and use the disputed domain name; (ii) the Respondent is not commonly known by the disputed domain name and there is no evidence that it has acquired any trademark rights under this name; and (iii) the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. The Respondent is using the disputed domain name for a deceptive phishing/scam website to impersonate the Complainant, by prominently displaying a fraudulent logo that incorporates the dominant word element CONTAINEX;

- the Respondent has registered and is using the disputed domain name in bad faith. Given the identity of the services and the copied logo, the Respondent clearly had actual knowledge of the Complainant's mark at the time of registration of the disputed domain name. The Respondent has selected the Complainant's mark CONTAINEX as part of the disputed domain name to intercept the Complainant's traffic and defraud Internet users.

- at the time the disputed domain name was registered, the Respondent provided contact information that cannot be independently verified and appears to be fictitious, which constitutes further evidence of the Respondent's bad faith.

Based on the above the Complainant requests the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

(i) the disputed domain name is identical or confusingly similar to a trademark or 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.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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.

The addition of the Top-Level Domain, such as ".com", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

Although the addition of other terms, here "container", 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 composition of the disputed domain name (comprising of the Complainant's trademark CONTAINEX) creates a risk of confusion and implied affiliation with the Complainant. In fact, the mere addition of the term "container" to that trademark strongly suggests that the disputed domain name is an official domain name of the Complainant, bearing in mind that this term describes the Complainant's business

Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and therefore does not give rise to rights and legitimate interests of the Respondent in the disputed domain name.

Panels have held that the use of a domain name for illegal activity like impersonation, or other types of fraud can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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, particularly noting the composition of the disputed domain name as discussed in Section 6.B above, it is difficult to believe that the Respondent did not have in mind the Complainant's trademark when registering the disputed domain name, consisting of the Complainant's trademark.

The Respondent website offers identical or highly similar services to those of the Complainant, and, as per the evidence provided in the Complaint, is being used to actively contact potential customers. Furthermore, the Panel concurs with the Complainant that the visual layout of the Respondent's website appears, on the whole, very similar to the overall appearance of the Complainant's official website (in terms of color scheme, specific imagery of stacked containers, and page layout).

All the above suggests that the Respondent set out to target the Complainant's mark and to deceive users by adopting a confusingly similar domain name, with an intention to divert Internet users to its website for commercial purposes, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website.

Panels have held that the use of a domain name for illegal activity here, claimed as impersonation, or other types of fraud constitutes bad faith. WIPO Overview 3.1, section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <containexcontainer.com> be transferred to the Complainant.

/Anna Carabelli/
Anna Carabelli
Sole Panelist
Date: November 4, 2026