

ADMINISTRATIVE PANEL DECISION

Brand Shared Services LLC v. Jesse Conwell
Case No. D2025-4486

1. The Parties

The Complainant is Brand Shared Services LLC, United States of America (“United States”), represented by MKM + PARTNER Rechtsanwälte Part mbB, Germany.

The Respondent is Jesse Conwell, United States.

2. The Domain Name and Registrar

The disputed domain name <brandsafwayrental.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 30, 2025. On October 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 30, 2025, 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 (“GoDaddy.com, LLC”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 2025, 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 November 5, 2025.

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 November 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 2, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on December 12, 2025. 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 limited liability company organized under the laws of the State of Georgia, United States. The Complainant serves as a holding company for the Brand Industrial Services Group, founded in 1919 and headquartered in Atlanta, Georgia. The Group provides a wide range of services to industrial clients, including “access solutions”, scaffolding, formwork and shoring systems, industrial maintenance and repair services, fireproofing, insulation, coatings, and other construction and industrial services. The Complainant states that the Group has more than 40,000 employees in some 340 locations in 25 countries, serving more than 29,000 customers.

The Complainant’s Group operates a website at “www.scaffoldingrentals.com”, which is headed with the Complainant’s registered BRAND SAFWAY mark and figurative logo followed by a “Circle R” trademark registration symbol. The tagline on the home page of the Complainant’s website is “Scaffolding Rentals & Access Solutions Made Easy With Local Expertise”.

The Complainant holds the trademark portfolio for the Group, with more than 150 BRANDSAFWAY trademark registrations, including the following:

Mark	Jurisdiction	Reg. Number	Reg. Date	International Class
BRANDSAFWAY (word)	European Union	017627308	December 20, 2018	6, 7, 9, 19, 20, 37, 40, 41, 42
BRAND SAFWAY (words and design)	United States	5814076	July 23, 2019	6, 7, 19, 37, 40, 41, 42, 45

The disputed domain name was created on June 12, 2025, and is registered to the Respondent, listing no organization or city, a postal address in the State of Michigan, United States, and a contact email address at [xxx]@ameritech.net. The disputed domain name does not resolve to an active website at the time of this Decision, and the Panel notes that the Internet Archive’s Wayback Machine has no archived screenshots associated with the disputed domain name.

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 incorporates the BRAND SAFWAY mark and is confusingly similar to it, without evidence of rights or legitimate interests such as a corresponding name or use for a bona fide commercial offering.

The Complainant contends that its mark is distinctive and globally recognized, and the Respondent has registered and used it to create confusion and attract Internet users to another site for commercial gain. (The Complainant does not refer to such a site.) Pointing to the Respondent’s contact email in the registration of the disputed domain name, the Complainant suggests that the Respondent “may be

associated with Ameritech Corporation”, “one of the largest telecommunications companies in the United States”, although the Complainant does not articulate how this would reflect bad faith.

B. Respondent

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

6. Discussion and Findings

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 Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered BRAND SAFWAY word mark and the figurative mark with prominent BRAND SAFWAY textual elements) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the word mark and the textual elements of the figurative mark are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “rental”) may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 3.0](#), 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 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 3.0](#), 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 Respondent does not appear to have a corresponding name and has not published a website associated with the disputed domain name.

Furthermore, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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. The Complainant alludes to one of these, paragraph 4(b)(iv), the intention to attract Internet users to a site for commercial gain by creating confusion with the Complainant's mark. This is not apt, however, as the Respondent has not used the disputed domain name to date for an active website. The Complainant is also suspicious of the Respondent's contact email address using a domain name associated with Ameritech, a communications company. However, the Panel notes that such email addresses were issued to customers of the former Ameritech company that was subsumed in corporate mergers many years ago, and the Complainant does not explain how simply using such a legacy email address is evidence of bad faith on the part of the Respondent (particularly noting the lack of an explanation as to why that Respondent should be regarded as connected to that company, and noting that such company did not exist at the time the disputed domain name was registered in 2025).

The Panel finds, however, that it is probable that the Respondent was aware of the Complainant and its BRANDSAFWAY mark, given the distinctive nature of the mark. The mark is not a dictionary term, and the addition of the term "rental" to the disputed domain name is revealing. That term is highly relevant to the Complainant's business and is prominently featured on the home page of the Complainant's website, as described above.

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 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark and 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 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 <brandsafwayrental.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: December 17, 2025