

## **ADMINISTRATIVE PANEL DECISION**

Brand Shared Services, LLC v. marilyn yonan  
Case No. D2026-0040

### **1. The Parties**

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

Respondent is marilyn yonan, United States.

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

The disputed domain name <brandsafways.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 7, 2026. On January 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 8, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Namecheap, Inc) and contact information in the Complaint. The Center sent an email to Complainant on January 9, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 19, 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 Respondent of the Complaint, and the proceedings commenced on January 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 11, 2026.

The Center appointed Robert A. Badgley as the sole panelist in this matter on February 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**

According to the Complaint:

“The Complainant, BrandSafway, is a globally recognized company providing specialized access solutions, scaffolding, formwork, shoring, and industrial services for the industrial, commercial, and infrastructure sectors. Founded in 1919 and headquartered in Atlanta, Georgia, USA, BrandSafway operates with over 40,000 employees across approximately 340 locations in 25 countries, serving more than 29,000 customers worldwide.”

Complainant alleges that it “maintains a comprehensive global trademark portfolio covering numerous jurisdictions as well as various classes of goods and services.” According to Complainant, it holds more than 150 registered trademarks in various jurisdictions for BRANDSAFWAY or BRAND SAFWAY. Complainant asserts that these marks “cover a wide range of services, including but not limited to access solutions, scaffolding, formwork and shoring systems, industrial maintenance and repair services, fireproofing, insulation, coatings, and other construction and industrial services.”

By way of example, Complainant holds European Union Reg. No. 017627308 for the word mark BRANDSAFWAY, registered on December 20, 2018, and United States Reg. No. 5,814,076 for the stylized mark BRAND SAFWAY, registered on July 23, 2019. Among the goods and services offered by Complainant are the following: Metal Goods, Machinery, Protective and Safety Equipment, Building Construction and Repair Services, Industrial Services, Engineering Services.

Complainant’s main website is located at the domain name <brandsafway.com>. On its site, Complainant promotes its goods and services and states: “BrandSafway is a leading global provider of access, specialized services, and forming and shoring solutions to the industrial, commercial and infrastructure markets.” Complainant’s website indicates that its revenues in 2023 exceeded USD 5 billion.

The Domain Name was registered on November 22, 2025. The Domain Name does not resolve to a website.

Complainant asserts that it has no relationship of any kind with Respondent.

Respondent has not denied any of the foregoing allegations or disputed any of Complainant’s evidence.

#### **5. Parties’ Contentions**

##### **A. Complainant**

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

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

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

### **A. Identical or Confusingly Similar**

The Panel concludes that Complainant has rights in the trademark BRANDSAFWAY through extensive registration and use demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to Complainant's mark. The Domain Name incorporates Complainant's mark in its entirety and adds the pluralizing "s". In the Panel's view, the BRANDSAFWAY mark is clearly recognizable within the Domain Name, notwithstanding the additional "s".

Complainant has established Policy paragraph 4(a)(i).

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward to articulate any legitimate basis for registering the Domain Name. Neither has Respondent denied any of Complainant's allegations.

On this undisputed record, the Panel observes that Complainant's mark is not, strictly speaking, comprised of a dictionary word or a combination of common terms. Rather, to the extent the mark resembles actual words, it misspells one of them (by omitting the "e" in "safe"). The fact that the Domain Name reflects the same misspelling as the mark raises suspicions about Respondent's motives vis-à-vis the Domain Name.

This suspicion is enhanced by the fact that the three words in the mark – brand, safe, way – are seldom if ever found together as a trio that would naturally recur by context.

The Panel also notes that Complainant's mark is widely registered and, at least within a certain economic sector, appears to enjoy a fair measure of renown.

It is also undisputed that Respondent has no relationship with Complainant and has not been given any permission to use Complainant's mark in a Domain Name or otherwise.

In sum, on this undisputed record, the Panel finds that Respondent lacks rights or legitimate interests in respect of the Domain Name. Absent some explanation, and supporting evidence, from Respondent, the Panel cannot conceive of a good faith basis on which Respondent could have registered the Domain Name.

The Panel concludes that Complainant has established Policy paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the 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 Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on the record presented here, that Respondent has registered and used the Domain Name in bad faith. The Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the Domain Name. The similarities discussed in the previous section are simply too great to chalk up to sheer coincidence. Further, as discussed above, the Panel cannot conceive of a good faith basis on which Respondent could have registered the Domain Name.

With this in mind, the Panel notes that the non-use of the Domain Name would not necessarily prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 3.3.

In a recent case involving this Complainant, the panel in similar circumstances (including passive holding of the domain name by the respondent) held that the disputed domain name should be transferred to Complainant. *Brand Shared Services LLC v. Jesse Conwell*, WIPO Case No. [D2025-4486](#).

Complainant has established Policy paragraph 4(a)(iii).

### **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 Domain Name <brandsafways.com> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: February 25, 2026