

ADMINISTRATIVE PANEL DECISION

Wildhawk Investments, LLC v. Nick Olsen, Screaming Eagle Promotions
Case No. D2026-0075

1. The Parties

Complainant is Wildhawk Investments, LLC, United States of America (“United States”), represented by Nyemaster Goode, P.C., United States.

Respondent is Nick Olsen, Screaming Eagle Promotions, United States.

2. The Domain Name and Registrar

The disputed domain name <bravaroofting.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 January 9, 2026. On January 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 9, 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 (REGISTRATION PRIVATE) and contact information in the Complaint. The Center sent an email communication to Complainant on January 13, 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 16, 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 10, 2026.

The Center appointed Frederick M. Abbott 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.

Following review of the case file the Panel directed the Center to transmit Procedural Order No. 1 of February 25, 2026, requesting Complainant to substantiate the date of first use claimed in its application for registration of its BRAVA ROOF TILE trademark with the United States Patent and Trademark Office (“USPTO”) in light of the date of registration of the disputed domain name, and providing Respondent opportunity to respond to such new evidence as might be furnished by Complainant. Complainant responded to the Procedural Order by email letter of March 2, 2026, with accompanying exhibits. Respondent did not provide any responsive submission.

4. Factual Background

Complainant is a limited liability company (LLC) organized under the laws of the State of Iowa, United States. Complainant is a manufacturer of premium-quality synthetic roofing. Complainant operates a commercial website at domain name <bravarooftile.com>. At its commercial website, Complainant displays and provides information concerning a range of roof tile products, and Complainant provides Internet users with the opportunity to contact Complainant for information regarding roofing contractors that carry its products, among other resources.

Complainant is the owner of registration on the Principal Register of the USPTO of the word trademark BRAVA, registration number 7,725,462, registration dated March 11, 2025, in international class (“IC”) 19, covering synthetic roofing shingles. Complainant is the owner of registration on the Principal Register of the USPTO of the word and design trademark BRAVA,¹ registration number 7,725,461, registration dated March 11, 2025, in IC 19, covering synthetic roofing shingles. Complainant also is the registrant of the word trademark BRAVA ROOF TILE, registration number 6,504,886, registration dated October 5, 2021, in IC 19, covering synthetic roofing shingles.

Among the aforesaid registrations, the earliest claimed date of first use is that for BRAVA ROOF TILE, with first use claimed on January 1, 2016 (and first use in commerce claimed on February 1, 2016). Responding to Procedural Order No. 1, Complainant submitted an invoice dated November 1, 2016, for the sale by Complainant of a substantial quantity of Spanish Tiles sold by Brava Roof Tile of Coralville, Iowa, for an amount exceeding \$25,000. Complainant also submitted screenshots from The Wayback Machine showing website pages at “www.bravarooftile.com” on February 23, 2016, headed with Complainant’s BRAVA ROOF TILE trademark in a word and design form. The submissions were accompanied by an explanatory affidavit from the founder of the enterprise.

According to the Registrar’s verification, Respondent is registrant of the disputed domain name. According to the WhoIs report, the disputed domain name was registered on February 2, 2017.

Respondent has used the disputed domain name to direct Internet users to a website that appears for most intents and purposes to be a clone of Complainant’s commercial website, including product photographs, and detailed roofing design and structure layouts, as well as textual elements. For example, the homepage of Complainant’s website stated:

¹ Per Complainant’s USPTO registration “consist[ing] of the word ‘BRAVA’ with a roofline having straight lines on the top side and a curved line on the bottom side”.

What Makes Brava
High-Performance?

When deciding on what roofing material to use on your home, Brava composite tile should be at the top of your list. You might be wondering: “What is composite tile?” or “Why should I use Brava composite roof tile on my home?”

The homepage of Respondent’s website states:

What Makes
Brava HighPerformance?

When choosing the right roofing material for your home, Brava composite tile should be at the top of your list. You may be asking yourself, “What is composite tile?” or “Why should I choose Brava composite roof tile for my home?”

Although there are minor differences, the logo used on Respondent’s website for “BRAVA Roofing” is similar in structure and appearance to Complainant’s BRAVA word and design trademark. Respondent has copied the pallet of available “Slate Colors” shown on roofing tiles directly from Complainant’s website.

Complainant has stated that Respondent uses its clone version of Complainant’s website to promote Respondent’s own website design and media promotion businesses, among others. There is no indication that Respondent has attempted to sell or install Complainant’s BRAVA roofing tile products.

There is no evidence of a disclaimer of relationship between Respondent and Complainant on Respondent’s website.

There is no apparent association, commercial or otherwise, between Complainant and Respondent.

Moreover, since the time of the Complaint being submitted, the disputed domain name points to a different URL (“<https://midwestroofingrepair.com/>”) and a page stating inter alia:

“Welcome to Midwest Roofing Repair, where integrity, experience, and expert service meet. We specialize in expert roofing repair throughout Minnesota, including the West Metro, Minneapolis, and St. Paul areas. Whether you need a fast repair, a full installation, or preventive maintenance, our team delivers trusted roofing solutions that protect what matters most—your home or business.”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it owns rights in the trademarks BRAVA (word, and word and design) and BRAVA ROOF TILE, and that the disputed domain name is confusingly similar to those trademarks.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent has no association with Complainant, and has not been authorized or licensed to use Complainant’s trademarks; (2) there is no evidence that Respondent has been commonly known by the disputed domain name or Complainant’s trademark names; (3) Respondent does not provide contact information on its website, and is not identifiable in any of the public records of the State (Minnesota) where its website suggests its products are made; (4) Respondent is not listed in any of the directories maintained by Complainant of its contractors or distributors; (5) Respondent is not making legitimate noncommercial or fair use of the disputed domain name; (6) Respondent is not making a bona fide offering of goods or

services under the disputed domain name, and; (7) Respondent is offering services through a website other than that associated with the disputed domain name.

Complainant alleges that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent is disrupting Complainant's business by operating a website confusingly similar to Complainant's commercial website; (2) Respondent is operating a website designed to impersonate Complainant which is strong evidence of bad faith, and; (3) Respondent appears to have registered the disputed domain name on February 2, 2017, but Complainant's began using its BRAVA ROOF TILE trademark prior to that date as evidenced by its certificate of registration at the USPTO, and; (4) Respondent did not begin using the disputed domain name in connection with a confusingly similar version of Complainant's website until sometime after November 27, 2021.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) 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, Third Edition ("[WIPO Overview 3.1](#)"), section 1.7.

Complainant has shown rights in respect of the trademarks BRAVA (word, and word and design) and BRAVA ROOF TILE for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the BRAVA mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to this mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The BRAVA ROOF TILE trademark is different from the disputed domain name <bravarooftile.com>. However, the distinctions are minor. The terms "roof" and "roofing", while not synonyms, are similar in sight, sound and meaning. "Roof" is primarily used as a noun to identify the topmost covering of a building. "Roofing" is primarily used to refer to the materials used in construction of a roof. "Tile" in the present context refers to the individual item of construction material used in covering the roof in the process of roofing. In light of the direct incorporation of the terms "BRAVA ROOF" in the disputed domain name "bravarooftile.com", the Panel finds that this mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to this mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the disputed domain name does not include the additional term “tile” that forms part of Complainant’s trademark, the Panel does not consider the absence of that term in the disputed domain name to prevent a finding of confusing similarity for the purposes of the Policy.

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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving 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 Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent has at one point used the disputed domain name to direct Internet users to a website that is a virtual clone of Complainant’s commercial website, and without any disclaimer of affiliation between Respondent and Complainant. According to Complainant, and unrebutted by Respondent, Respondent’s motivation for establishing and maintaining the cloned version of Complainant’s website is to illustrate its design capabilities to potential clients of its website design business. There is no evidence that Respondent is attempting to compete with Complainant in the marketing or sale of roofing tiles.

The subsequent redirection to Midwest Roofing Repair is an unfair use of the relevant mark to ostensibly point to a competitor, and does not support any notion of a legitimate interest.

Respondent’s somewhat odd approach to attracting customers does not give it legitimate interests in using the disputed domain name confusingly similar to Complainant’s trademarks. It is misappropriating those trademarks for its own purposes. Its use is not a bona fide offering of goods or services because, inter alia, Respondent is not providing the goods displayed on its website. The fact that it may be indirectly promoting some other business at another website does not make the use on the cloned version of Complainant’s website a good faith offer of services. Respondent is not engaging in legitimate noncommercial or fair use of Complainant’s trademark, if for no other reason than it has directly copied the content of Complainant’s website.

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 Respondent registered the disputed domain name on February 2, 2017, a date that is prior to the date of registration of any of Complainant's BRAVA or BRAVA-formative trademarks.

Complainant noted, however, that the dates of first use and first use in commerce listed in its USPTO registration certificate for BRAVA ROOFING TILE are January 1 and February 1, 2016, respectively. Complainant presumably appreciated that if the disputed domain name had been registered prior to Complainant's acquisition of trademark rights a finding would not be made by the Panel that Respondent had "registered" the disputed domain name in bad faith given long-standing UDRP jurisprudence establishing that registration in bad faith requires that a complainant possess trademark rights at the time of a respondent's domain name registration. See recently, *United Capital Source, Inc. v. Gregory Aguirre*, WIPO Case No. [D2026-0068](#), and references therein.

However, as the Panel noted in its Procedural Order No. 1, a claimed date of first use or use in commerce is an assertion by the applicant for trademark registration, and does not constitute evidence of first use. The Panel requested Complainant to provide direct and substantial evidence supporting its 2016 use in commerce of its BRAVA ROOFING TILE trademark. As noted in the Factual Background above, Complainant submitted such evidence and the Panel is satisfied that Complainant held rights in the trademark BRAVA ROOFING TILE as of the dates asserted in its trademark registration certificate. Complainant has established the priority in time of its trademark rights vis-à-vis Respondent's registration of the disputed domain name.

Because of the distinctive quality of Complainant's BRAVA ROOFING TILE trademark and the content of the two websites, the Panel further concludes that on the preponderance of probability Respondent must have known of that trademark when it registered the disputed domain name. It is not clear why Respondent delayed a period of years before establishing a cloned version of Complainant's commercial website, and then a redirection. Respondent could have attempted to provide a plausible explanation of its reason for choosing the first iteration of the site, but having failed to make that attempt the Panel is satisfied that there is no alternative explanation for choosing to emulate Complainant's distinctive name other than that Respondent was aware of and targeting Complainant's trademark.

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.

Respondent's use of the disputed domain name, assuming that the use is to illustrate its web design capabilities to potential clients, is not "neatly captured" by the enumerated bad faith elements in Paragraph 4(b) of the Policy. That said, the Panel is satisfied that using a cloned version of Complainant's website to attract clients is an act of bad faith because Internet users are likely to be confused on visiting Respondent's website only to discover that it is not in any way associated with Complainant, its products, or its preferred contractor service providers. This is bound to be disruptive to Complainant's business. Respondent either intended to disrupt Complainant's business, or recklessly interfered with Complainant's business, acting without regard to the consequences of its actions. This constitutes bad faith within the meaning of Paragraph 4(b) of the Policy. The subsequent redirection to Midwest Roofing Repair is equally bad faith.

Respondent might have but did not respond to the Complaint with an attempt to justify its conduct. The Panel will not attempt to infer a justification.

The Panel finds that 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 <bravaroofting.com> be transferred to Complainant.

/Frederick M. Abbott/

Frederick M. Abbott

Sole Panelist

Date: March 13, 2026