

ADMINISTRATIVE PANEL DECISION

Brand Shared Services, LLC v. Jose Alejandro Arias Hernandez,
GROWBUSS

Case No. D2026-1866

1. The Parties

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

The Respondent is Jose Alejandro Arias Hernandez, GROWBUSS, Honduras.

2. The Domain Name and Registrar

The disputed domain name <brandsafwayusa.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 April 30, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 4, 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 May 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 28, 2026.

The Center appointed Dawn Osborne as the sole panelist in this matter on June 3, 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.

On June 5, 2026, the Center received email communications from the Respondent, inquiring on the proceedings as well as indicating interest in a potential settlement agreement. The Complainant sent the email communications to the Center on June 9 and June 11, 2026, the latter indicating that it would like to continue to pursue the proceedings.

4. Factual Background

The Complainant provides specialized access solutions, scaffolding, formwork, shoring, and industrial services for the industrial, commercial, and infrastructure sectors. Founded in 1919 and headquartered in Atlanta, Georgia, United States, it operates with over 40,000 employees across approximately 340 locations in 25 countries, serving more than 29,000 customers worldwide and operates a website at "www.brandsafway.com".

The Complainant owns the marks BRAND SAFWAY and BRANDSAFWAY registered, inter alia, as United States trade mark No. 5814076, registered on July 23, 2019, and European Union trade mark No. 017627308 for the Complainant's services and related goods since December 20, 2018, respectively.

The disputed domain name, registered on April 21, 2026, points to a page that features the Complainant's mark BRAND SAFWAY as a masthead over a picture of men on scaffolding and a form that can be filled by providing name and email address details, inviting visitors to contact the website operator.

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 Complainant is the owner of the trade mark BRANDSAFWAY, registered, inter alia as European trade mark registration No. 17627308 for scaffolding since December 20, 2018.

The disputed domain name, registered on April 21, 2026, is confusingly similar to the Complainant's mark adding the generic geographical designation "usa" which does not prevent confusing similarity between the disputed domain name and the Complainant's mark.

The disputed domain name has been used to point to a website using the Complainant's mark BRAND SAFWAY referring to scaffolding services and products. Apart from this, the disputed domain name is inactive. This is not a bona fide offering of services or a noncommercial legitimate fair use and so the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent's use is opportunistic registration and use in bad faith in full knowledge of the Complainant and the Complainant's rights to take advantage of the Complainant's goodwill.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, in its email communications to the Center on June 5, 2026, in addition to inquiring about the proceedings, it stated: "I apologize because I hadn't noticed this problem. I'm very sorry it's come to this, but if there's any issue, I'd

be happy to transfer the domain to you. If you could help me with the creation costs, that would be great. If you can't, we don't want any problems. We sincerely hope we can reach an amicable agreement and help each other out".

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 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 "usa" 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 carries a risk of affiliation with the Complainant, and the disputed domain name has been used for a website using the Complainant's mark BRAND SAFWAY over an image of men on scaffolding, an activity directly related to the Complainant's, and inviting Internet users to provide personal information such as their names and email address.

Panels have held that the use of a domain name for illegitimate activity, here impersonation to gather personal data details, potentially to be used for phishing, 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, the Panel notes that the Respondent has registered a domain name that reproduces the Complainant's mark in its entirety and used the disputed domain name to resolve to a website displaying imagery related to the Complainant's activity, likely in an attempt to impersonate the Complainant to gather personal data details from Internet users. The Respondent has failed to provide any explanation for the registration and use of the disputed domain name. In these circumstances, the Panel finds the Respondent has intentionally attempted to create a likelihood of confusion with the Complainant's mark with a view to obtaining Internet users' personal data or otherwise possibly engaging in illegitimate activities premised on such likelihood of confusion..

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.

Although the website at the disputed domain name does not contain any substantive content, noting the composition of the disputed domain name and distinctiveness of the Complainant's trade mark, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith.

Further, panels have held that the use of a domain name for illegitimate activity, here impersonation to gather personal data details, potentially to be used for phishing, 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 <brandsafwayusa.com> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: June 17, 2026