

ADMINISTRATIVE PANEL DECISION

Brand Shared Services, LLC v. John Jones
Case No. D2026-1956

1. The Parties

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

Respondent is John Jones, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 6, 2026. On May 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on May 6, 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 May 11, 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 May 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 7, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 8, 2026.

The Center appointed Timothy D. Casey as the sole panelist in this matter on June 10, 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

Complainant is a global provider of access, specialized services, and forming and shoring solutions to industrial, commercial and infrastructure markets. Complainant had more than USD 5 Billion in revenue in 2023, employes more than 40,000 people globally at over 340 locations and operates in 25 countries. Complainant has a portfolio of over 150 registered trademarks worldwide that incorporate “BRAND” and “SAFWAY” as parts of the trademarks. Complainant is the owner of United States trademark registrations incorporating “BRAND” and “SAFWAY” that it has been using since 2017 in association with its business (the “BRANDSAFWAY Marks”) as follows:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
BRANDSAFWAY	United States	006, 007, 019, 037, 040, 041, 042, and 045	5,807,427	July 16, 2019
BRAND SAFWAY (Design)	United States	006, 007, 019, 037, 040, 041, 042, and 045	5,814,076	July 23, 2019

The disputed domain name was registered April 15, 2026. Complainant provided evidence that the disputed domain name previously resolved to an active parked pay-per-click (“PPC”) website including a number of text-based advertisements redirecting to other websites. The disputed domain name does not currently resolve to an active website.

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 has rights in the BRANDSAFWAY Marks, as evidenced herein, and that the disputed domain name is almost identical to and is therefore confusingly similar to the BRANDSAFWAY Marks. Complainant notes that the disputed domain name only differs from the BRANDSAFWAY Marks by using the letter “e” in place of the letter “a” and the end, which would receive less attention from the public in terms of distinguishing the disputed domain name from the BRANDSAFWAY Marks. Complainant further notes visual and phonetic similarities between the disputed domain name and the BRANDSAFWAY Marks adds to confusing similarities.

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name because there is no evidence Respondent has ever used the disputed domain name in connection with a bona fide offering of goods or services or of demonstrable preparations to do so, given that the disputed domain name is not in active use.

Complainant contends the disputed domain name was registered and was used in bad faith because Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion with the BRANDSAFWAY Marks, primarily based on Respondent's prior use of the disputed domain name. Complainant further notes that the BRANDSAFWAY Marks are coined, fanciful marks, which makes it unlikely that Respondent coincidentally registered the disputed domain name without prior knowledge of the BRANDSAFWAY Marks.

B. Respondent

Respondent did not reply to 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 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.

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 Panel finds the mark is recognizable 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 disputed domain name incorporates the BRANDSAFWAY Mark in its entirety, albeit misspelled using the letter "e" in place of the letter "a" in the trademark. Such a minor modification to a trademark is commonly referred to as "typosquatting" and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser and by definition does not prevent a finding of confusing similarity. See [WIPO Overview 3.1](#), section 1.9.

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 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 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed passing off, 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 Respondent utilized the disputed domain name for some period of time to redirect Internet users to a parked page displaying PPC links to other websites and subsequently discontinued use of the disputed domain name, presumably once the present Complaint was filed.

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.

Panels have found that the non-use of a domain name (including a blank page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of Complainant's trademarks, 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.

Panels have also held that the use of a domain name for illegitimate activity here, claimed passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name further constitutes bad faith under the Policy.

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 <brandsafwey.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: June 25, 2026