ADMINISTRATIVE PANEL DECISION

Brand Shared Services, LLC v. Roman Junelven, brandsefway
Case No. D2026-2594

1. The Parties

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

Respondent is Roman Junelven, brandsefway, United States.

2. The Domain Name and Registrar

The disputed domain name <brandsefway.com> (the "Domain Name") is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 15, 2026. On June 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 15, 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to Complainant on June 15, 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 June 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 June 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 13, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on July 17, 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

Founded in 1919, Complainant provides specialized access solutions, scaffolding, formwork, shoring, and industrial services for the industrial, commercial, and infrastructure sectors. Headquartered in Atlanta, Georgia, United States, Complainant operates with over 40,000 employees across approximately 340 locations in 25 countries, serving more than 29,000 customers worldwide.

Complainant owns numerous registered trademarks for the BRANDSAFWAY mark in various jurisdictions, including:

- European Union registered Trade Mark number 017627308 for the BRANDSAFWAY word mark, registered on December 20, 2018;
- United States registered trademark number 5807427 for the BRANDSAFWAY word mark, registered on July 16, 2019; and
- Singapore registered trademark number 40201725521P for the BRANDSAFWAY BRAND SAFWAY word mark, registered on October 2, 2020.

The Domain Name was registered on May 19, 2026 and resolves to an inactive site.

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.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for BRANDSAFWAY and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known BRANDSAFWAY products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademarks, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in registering and using the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

(i) the 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 Domain Name; and
(iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the BRANDSAFWAY trademarks, as noted above. Complainant has therefore proven that it has the requisite rights in the BRANDSAFWAY trademarks.

With Complainant's rights in the BRANDSAFWAY trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it was registered (in this case, is ".com"), is identical or confusingly similar to Complainant's trademarks. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. D2010-0842.

Here, the Domain Name is confusingly similar to Complainant's BRANDSAFWAY trademarks. These BRANDSAFWAY trademarks are recognizable in the Domain Name. In particular, the Domain Name's inclusion of Complainant's BRANDSAFWAY trademarks in their entirety, with the substitution of the letter "a" with the letter "e", in Complainant's BRANDSAFWAY marks, does not prevent a finding of confusing similarity between the Domain Name and the BRANDSAFWAY trademarks. See section 1.9 of the WIPO Overview 3.1.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the BRANDSAFWAY trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the BRANDSAFWAY trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name. The Domain Name is inactive. Therefore, the Domain Name has not been used for any bona fide offering of goods or services nor a legitimate noncommercial or fair use. In addition, there is no evidence showing that Respondent has been commonly known by the Domain Name.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that

Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have 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 you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the BRANDSAFWAY trademarks long predate the registration of the Domain Name. Complainant is also established and known. Indeed, the record shows that Complainant's BRANDSAFWAY trademarks and related products and services are widely known and recognized. Therefore, Respondent was more likely than not aware of the BRANDSAFWAY trademarks when it registered the Domain Name. See section 3.2.2 of the WIPO Overview 3.1; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. D2016-1973.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. D2011-2209; *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. D2001-1070; and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. D2006-0007.

Moreover, the Domain Name's inclusion of Complainant's trademark BRANDSAFWAY in their entirety with the substitution of the letter "a" with the letter "e", in Complainant's BRANDSAFWAY marks, further reflects the awareness that Respondent had of Complainant and its trademarks at the time of registration. Such adoption of Complainant's trademarks at the time of registration of the Domain Name illustrates Respondent's effort to mislead Internet users as to the Domain Name's association with Complainant.

At the time of filing of the Complaint, the Domain Name resolved to an inactive webpage, which does not prevent a finding of Respondent's bad faith under the circumstances of the case. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.1, section 3.3. See also *Brand Shared Services LLC v. Jesse Conwell*, WIPO Case No. D2025-4486 (passive holding of a domain name, in combination with factors such as domain name composition and reputation of the mark, can constitute registration and use in bad faith under the UDRP), and *Brand Shared Services, LLC v. marilyn yonan*, WIPO Case No. D2026-0040.

Despite being inactive, there is no indication or evidence that Respondent is preparing to use the Domain Name for any other alternate purpose.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of Complainant's trademark, and the composition of the Domain Name, the Panel finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Domain Name was registered and is being used in bad faith, and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <brandsefway.com> be transferred to Complainant.

/Kimberley Chen Nobles/
Kimberley Chen Nobles
Sole Panelist
Date: July 23, 2026