ADMINISTRATIVE PANEL DECISION

Brand Shared Services, LLC v. Roman Junelven, brandlsafway
Case No. D2026-2726

1. The Parties

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

Respondent is Roman Junelven, brandlsafway, United States.

2. The Domain Name and Registrar

The disputed domain name <brandlsafway.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 23, 2026. On June 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 24, 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 26, 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 29, 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 July 3, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was July 23, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 24, 2026.

The Center appointed John C. McElwaine as the sole panelist in this matter on July 30, 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 United States-based provider of 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, and forms part of the Brand Industrial Services group. Complainant owns and uses the BRANDSAFWAY trademark in connection with, among other goods and services, scaffolding, access and working platforms, formwork and shoring equipment, and a broad range of related construction, engineering, and industrial services. Complainant maintains a global trademark portfolio comprising over 150 registrations for the BRANDSAFWAY mark. Relevant to this matter, Complainant owns the following trademark registrations:

- BRANDSAFWAY, European Union TradeMark Reg. No. 017627308, registered on December 20, 2018, in International Classes 6, 7, 9, 19, 20, 37, 40, 41, and 42; and

- BRANDSAFWAY, U.S. Reg. No. 5807427, registered on July 16, 2019 in International Classes 6, 7, 19, 37, 40, 41, 42, and 45;

Collectively, Complainant's common law and registered trademark rights for the BRANDSAFWAY trademark are referred to as the "BRANDSAFWAY Mark." Complainant operates its principal website at the domain name <brandsafway.com>.

The Domain Name was registered on April 30, 2026. The Domain Name, at one point, resolved to a page operated by Zoho Corporation that displays a generic advertisement for Zoho's website-builder service, and at the time of filing the Complaint, the Domain Name was inactive.

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.

Complainant asserts that the BRANDSAFWAY Mark is a coined, fanciful, and highly distinctive term that has no meaning outside of its association with Complainant, that Complainant is a globally recognized market leader in the scaffolding, access solutions, and formwork industry, and that it has invested substantial resources in building and protecting the goodwill in the BRANDSAFWAY Mark through an extensive worldwide trademark portfolio.

With respect to the first element of the Policy, Complainant contends that the Domain Name is confusingly similar to a trademark in which it has rights. Complainant asserts that the Domain Name incorporates the entirety of the BRANDSAFWAY Mark in the same sequence of letters, differing only by the insertion of a single letter "L" in the middle of the term, that this addition does not alter the overall visual or phonetic impression conveyed by the Domain Name, and that such a minor typographical variation is a hallmark of typosquatting that does not distinguish the Domain Name from the BRANDSAFWAY Mark.

With respect to the second element of the Policy, Complainant contends that Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant states that it has never assigned, licensed, or otherwise authorized Respondent to use the BRANDSAFWAY Mark or to register the Domain Name, that there is no relationship of any kind between the Parties, that Respondent has never used the Domain Name in connection with a bona fide offering of goods or services or made any demonstrable preparations to do so, and that Respondent is not commonly known by the Domain Name.

With respect to the third element of the Policy, Complainant contends that the Domain Name was registered and is being used in bad faith. Complainant asserts that, given the distinctiveness and reputation of the coined BRANDSAFWAY Mark, Respondent could not plausibly have registered the Domain Name without knowledge of Complainant and its mark, that the only reasonable inference is that Respondent registered the Domain Name to exploit the recognition and reputation associated with the BRANDSAFWAY Mark, and that Respondent's passive holding of the Domain Name, taken together with the distinctiveness of the mark and the composition of the Domain Name, constitutes bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted and failed to file a Response, paragraph 4(a) of the Policy requires Complainant to support its assertions with evidence and thus prove each of the following elements:

(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 has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true Complainant's reasonable factual allegations and draw appropriate inferences in Complainant's favor, provided the Panel is satisfied that such allegations are supported by evidence. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc*., WIPO Case No. D2009-1779; *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. D2007-0605; see also Rules, paragraph 5(f) ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having reviewed the Complaint, the amended Complaint, and the supporting evidence, and in light of the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the required elements are set forth below.

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 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 the BRANDSAFWAY trademark for the purposes of the Policy through its registered trademark rights, including in the European Union, the United States, and in multiple other countries. WIPO Overview 3.1, section 1.2.1.

The Panel finds that the BRANDSAFWAY Mark is recognizable within the Domain Name. WIPO Overview 3.1, section 1.7. The Domain Name reproduces the entirety of the BRANDSAFWAY Mark in the same sequence of letters, adding only a single letter "L" in the middle of the term. Such a misspelling of the mark does not prevent a finding of confusing similarity, as the BRANDSAFWAY Mark remains clearly recognizable within the Domain Name. Indeed, this type of minor typographical variation is a hallmark of typosquatting.

WIPO Overview 3.1, section 1.9.

Accordingly, the Domain Name is confusingly similar to the BRANDSAFWAY Mark for the purposes of the Policy, and the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. See WIPO Overview 3.1, section 2.1

Complainant has stated that it has not licensed or authorized Respondent to use the BRANDSAFWAY Mark. There is no relationship between Complainant and Respondent that would give rise to any permission to use the mark. The registration data information provided by the Registrar shows the registrant name as "Roman Junelven," which bears no resemblance to the Domain Name or the term "Brandsafway." This strongly suggests that Respondent is not commonly known by the Domain Name or by any name similar to Complainant's mark. Respondent has not come forward with any evidence that it might be known by "Brandsafway" or that it has any independent rights in that term. 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 Domain Name such as those enumerated in the Policy[1] or otherwise.

There is also no evidence that Respondent was using the Domain Name for a bona fide offering of goods or services prior to notice of the dispute, or at all. To the contrary, the Domain Name was being redirected to a website concerning the hosting provider's website builder service, and later at the time of filing the Complaint was inactive. Such passive holding of a unique domain name does not qualify as a bona fide use. Complainant points out that the Domain Name is technically being used to exploit Complainant's brand recognition, and as such, is not used in connection with a bona fide offering of goods or services pursuant to Policy, paragraph 4(c)(i). See *Société nationale des télécommunications: Tunisie Telecom v. Ismael Leviste*, WIPO Case No. D2009-1529 (noting that passive holding of a disputed domain name "does not constitute a legitimate use of such a domain name" that would give rise to a legitimate right or interest in the name); *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. D2016-1302 (the respondent had no rights or legitimate interests in the disputed domain name where the disputed domain name resulted to an inactive website); *Philip Morris USA Inc. v. Elijah Etame*, WIPO Case No. D2016-0968 ("the Panel cannot imagine any potentially legitimate interest that Respondent might have in the disputed domain names based on the manner in which the disputed domain names have been used on the inactive websites").

Based on the foregoing, Complainant has made a prima facie showing of Respondent's lack of any rights or legitimate interests, and Respondent has failed to come forward to rebut that showing. As provided for by paragraph 14(b) of the Rules, the Panel may draw such inference from Respondent's default as it considers appropriate. The Panel finds that Respondent does not have rights or legitimate interests in the Domain Name and that Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.
Bad faith registration can be found where a respondent "knew or should have known" of a complainant's

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[1] The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: "(i) before any notice to you 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 (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 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."

trademark rights and nevertheless registered a domain name in which it had no rights or legitimate interests. See *Accor v. Kristen Hoerl*, WIPO Case No. D2007-1722. The BRANDSAFWAY Mark is a coined, fanciful, and highly distinctive term that bears no meaning outside of its association with Complainant, and it was registered and used in commerce years before Respondent registered the Domain Name on April 30, 2026. The Domain Name reproduces that distinctive mark in its entirety, altered only by the insertion of a single letter. In these circumstances, there is no plausible explanation for Respondent's registration of the Domain Name other than to trade off the goodwill and reputation of Complainant's mark, and the Panel finds that Respondent registered the Domain Name with Complainant's mark firmly in mind and with the intention of exploiting it. WIPO Overview 3.1, sections 3.1.4 and 3.2.1.

Turning to use, the Domain Name does not resolve to an active website with substantive content, but instead to a parking page displaying a generic advertisement for a website-builder service. Panels have found that the non-use of a domain name (including a blank or "coming soon" 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 the 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, and noting in particular the strong distinctiveness and reputation of the BRANDSAFWAY Mark, the composition of the Domain Name as a typosquatting variant of that mark, Respondent's failure to submit any response or to provide any evidence of actual or contemplated good-faith use, and the implausibility of any good-faith use to which the Domain Name could be put, 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 and, on the contrary, constitutes bad faith under the Policy.

Additionally, the facts of this case fall within the example of Policy paragraph 4(b)(iv). Although Respondent has not yet set up an active website, the very act of typosquatting supports an inference that Respondent's intent was to attract Internet users by creating confusion with Complainant's mark, likely for some form of commercial gain. It is well-established that registering a domain name so similar to a well-known mark carries with it the intent to exploit user confusion, which is a bad-faith intent under paragraph 4(b)(iv). Should Respondent ever decide to actively use the Domain Name, any such use would almost certainly cause confusion as to source or affiliation, given the virtually identical mark. In the Panel's view, even absent a developed webpage, the circumstances permit a finding that Respondent's registration was inherently in bad faith, with use in bad faith being a continuing condition as long as the Domain Name remains in Respondent's hands without a legitimate purpose.

As detailed above, the Panel finds on the record before it that Respondent registered and is using the Domain Name in bad faith, and 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 Domain Name <brandlsafway.com> be transferred to Complainant.

/John C McElwaine/
John C McElwaine
Sole Panelist
Date: August 15, 2026