ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Brand Shared Services, LLC v. Karim Singh
Case No. D2026-2730

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 Karim Singh, United States.

2. The Domain Name and Registrar

The disputed domain name <brandssafway.com> (the “Domain Name”) is registered with NameCheap, 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 25, 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 27, 2026. The Domain Name has been used to redirect Internet users to a third-party domain name, <findonlineresults.com>. Upon Complainant's attempt to access the redirected page, security software identified and blocked the destination as malicious with a threat classification "URL.MaliciousWebsite.C."

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 "s" in the middle of the term, that this addition creates no perceptible difference in visual or phonetic impression, 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 Domain Name is a deliberate instance of typosquatting designed to intercept Internet traffic intended for Complainant by exploiting a foreseeable and phonetically imperceptible typographical error, and that Respondent's redirection of the Domain Name to a third-party website flagged by security software as malicious demonstrates ongoing bad faith use.

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 "s" 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 Name, 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. Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use the BRANDSAFWAY Mark or to register domain names incorporating the mark.

There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the term "brandssafway". The only name associated with Respondent in the record is "Karim Singh," which bears no connection to the Domain Name or to the BRANDSAFWAY Mark. Respondent has not come forward with an explanation for choosing the Domain Name, which consists of a misspelling of Complainant's well-known BRANDSAFWAY Mark.

Moreover, the record demonstrates that Respondent has used the Domain Name to redirect Internet users to a third-party website that security software has identified and blocked as malicious. Such use of the Domain Name is not a bona fide offering of goods or services and does not constitute a legitimate noncommercial or fair use. Panels have categorically held that the use of a domain name for illegal activity, such as the distribution of malware or other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 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 Domain Name such as those enumerated in the Policy[1] or otherwise. The Panel therefore finds that the second element of the Policy has been established.

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 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 27, 2026.

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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 disputed 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".

The Domain Name reproduces that distinctive mark in its entirety, altered only by the insertion of a single letter "s" that is phonetically imperceptible and represents a foreseeable typographical error by Internet users seeking Complainant. 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.

With respect to use of the Domain Name, the record demonstrates that Respondent has used the Domain Name to redirect Internet users who inadvertently misspell Complainant's mark to a third-party website that security software has identified and blocked as malicious. By registering a typosquatting variant of the BRANDSAFWAY Mark and using it to divert traffic intended for Complainant to a malicious third-party destination, Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Domain Name, which constitutes bad faith under paragraph 4(b)(iv) of the Policy. Moreover, panels have held that the use of a domain name for per se illegitimate activity, such as the distribution of malware or other types of fraud, constitutes bad faith. WIPO Overview 3.1, sections 2.13.1 and 3.4. To the extent that the Domain Name may not resolve to an active site at any given time, panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding; having regard to the totality of the circumstances, including the strong distinctiveness of the BRANDSAFWAY Mark, the composition of the Domain Name as a typosquatting variant of that mark, and Respondent's failure to submit any response or to provide any evidence of actual or contemplated good-faith use, the passive holding of the Domain Name would likewise not prevent a finding of bad faith. WIPO Overview 3.1, section 3.3.

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 <brandssafway.com> be transferred to Complainant.

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