

ADMINISTRATIVE PANEL DECISION

Brand Shared Services, LLC v. futu mama, Futu Mama Inc
Case No. D2026-3196

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 futu mama, Futu Mama Inc, United States.

2. The Domain Name and Registrar

The disputed domain name <brandsafwaay.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 July 21, 2026. On July 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 22, 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 ("The RDAP server redacted the value") and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 July 27, 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 July 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 20, 2026.

The Center appointed Angela Fox as the sole panelist in this matter on September 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.

4. Factual Background

The Complainant is a company based in the United States, which provides specialized access solutions, scaffolding, formwork, shoring, and industrial services for the industrial, commercial, and infrastructure sectors. It was founded in 1919 and has over 40,000 employees across approximately 340 locations in 25 countries, serving more than 29,000 customers worldwide.

The Complainant carries out its business under the trademark BRANDSAFWAY. It operates a website at “www.brandsafway.com”, print-outs of which were annexed to the Complaint. The Complainant owns numerous trademark registrations in countries around the world for BRANDSAFWAY, including the following, details of which were annexed to the Complaint:

- United States trademark registration no. 5807427 for BRANDSAFWAY in Classes 6, 7, 9, 19, 37, 40, 41, 42 and 45, registered on July 16, 2019;
- United States trademark registration no. 5814076 for BRANDSAFWAY Logo in Classes 6, 7, 9, 19, 37, 40, 41, 42 and 45, registered on July 23, 2019; and
- European Union trademark registration no. 17627308 for BRANDSAFWAY in Classes 6, 7, 9, 19, 20, 37, 40, 41 and 42, registered on December 20, 2018.

The disputed domain name was registered on June 16, 2026. It does not appear to have been used to link to any active website.

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 disputed domain name is confusingly similar to the Complainant's trademark, BRANDSAFWAY, differing only by a repeated letter “a” in the letter string “brandsafwaay”, and likely, in the Complainant's submission, to constitute a case of typosquatting. The Complainant submits that its trademark is clearly recognizable within the disputed domain name.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent has ever used the disputed domain name, prior to notice of this dispute, in connection with any bona fide offering of goods or services, nor is there any evidence of demonstrable preparations to do so. There is moreover no evidence of a legitimate noncommercial or fair use of the disputed domain name, nor indeed any evidence of active use of it at all.

Finally, the Complainant submits that the disputed domain name was registered in bad faith and that it should be regarded as having been used in bad faith under the doctrine of passive holding. The Complainant's trademark is a distinctive, coined mark that has no meaning outside of its association with the Complainant, and it is implausible that the Respondent registered the disputed domain name without knowledge of the Complainant and its business. The Complainant further points to the Respondent's use of a privacy service to shield its identity, and to the provision of apparently false Whois contact details, including a company name which does not correspond to any company that the Complainant has been able to identify,

and the use of internally inconsistent address information comprising a reference to the state of Oregon but a town name and zip code which are in Pennsylvania.

B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14 (a) and (b) of the Rules, the Panel will decide the Complaint and shall draw such inferences, as it considers appropriate from the Respondent's default.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

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 the trademark BRANDSAFWAY for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the BRANDSAFWAY mark is recognizable within the disputed domain name. The only differences between the disputed domain name and the Complainant's mark are the top-level domain suffix ".com" and the additional, repeated letter "a" in the disputed domain name. The repeated letter "a" does not change the impression created by the disputed domain name and the Complainant's mark remains clearly recognizable within it. The repeated letter "a" appears to be in the nature of an intentional misspelling or typographical error. As noted under section 1.9 of the WIPO Overview, "a domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element."

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 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 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 there is no evidence on the record of any active use of the disputed domain name by the Respondent. However, as noted under the WIPO Overview, section 3.3, the non-use of a domain name does not by itself prevent a finding of bad faith under the doctrine of passive holding. The Panel must look at the totality of the circumstances to determine whether in fact the Respondent’s non-use demonstrates bad faith within the meaning of the Policy. As noted at WIPO Overview, section 3.3, “Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent’s registration agreement).”

In this case, the disputed domain name is closely similar, and indeed nearly identical to the Complainant’s BRANDSAFWAY trademark. The Complainant’s trademark is highly distinctive, being a coined mark and having no known meaning outside of its association with the Complainant. It is difficult to conceive of any good faith use of the disputed domain name that the Respondent could make of it, and the Respondent has not provided any explanation for its registration of the disputed domain name nor any evidence of actual good faith use of it, nor any contemplated good faith use that it might intend to make.

The Panel also takes note of the Respondent’s use of a privacy service when it registered the disputed domain name and its apparent provision of false or inaccurate Whois contact details in breach of its registration agreement. Together these indicate that the Respondent has taken active steps to conceal its identity, and again, the Respondent has not made any effort to rebut the Complainant’s allegations in this regard.

Taking all these factors into account, the Panel considers it implausible that the Respondent did not know about the Complainant and its mark when it registered the disputed domain name, and indeed, considers it likely that the Respondent registered the disputed domain name in order to target the Complainant in some way. There is no obvious good faith use to which the disputed domain name, in the hands of the Respondent, could be put, and the Respondent has made no effort to identify any. The Panel finds that in the totality of the circumstances, taking into consideration the composition of the disputed domain name, the distinctiveness of the Complainant’s trademark and the Respondent’s failure to submit a response, the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

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 <brandsafwaay.com> be transferred to the Complainant.

/Angela Fox/

Angela Fox

Sole Panelist

Date: September 20, 2026