ADMINISTRATIVE PANEL DECISION
Brand Shared Services, LLC v. perez graciela
Case No. D2026-3283

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 perez graciela, United States.

2. The Domain Name and Registrar

The disputed domain name <brandsafways.org> 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 24, 2026. On July 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 27, 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 27, 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 28, 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 August 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 31, 2026.

The Center appointed Kathryn Lee as the sole panelist in this matter on September 4, 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 holding company for the Brand Industrial Services Group which provides specialized access solutions, scaffolding, formwork, shoring, and industrial services for the industrial, commercial, and infrastructure sectors worldwide under the BRANDSAFWAY mark. The Group has approximately 40,000 employees at 340 locations in 25 countries, and serves approximately 29,000 customers. In 2023, the Group reported 5 billion USD in revenues. Further, the Group received the Contractor Safety Achievement Award from the American Fuel & Petrochemical Manufacturers (AFPM) in 2024, the Innovation Award from ASIA in 2022, and inclusion in Engineering News-Record's Top 600 Specialty Contractors list in 2023 and 2024. The Complainant owns a number of trademark registrations for the mark BRANDSAFWAY, including United States Trademark Registration No. 5,807,427, registered on July 16, 2019, and European Union Trademark Registration No. 017627308, registered on December 22, 2018.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on June 17, 2026, and does not resolve to any website with active content.

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 mark in which the Complainant has rights since the disputed domain name incorporates the Complainant's BRANDSAFWAY mark, only adding the letter "s" at the end.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name, and that there is no evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain name in providing any bona fide offering of goods or services.

Finally, the Complainant contends that the disputed domain name was registered and is used in bad faith. The Complainant contends that it is a globally recognized company and that its mark is entirely distinctive in nature. Therefore, the Complainant contends, the Respondent's registration of the disputed domain name cannot be coincidental or in good faith, and the only reasonable inference is that the Respondent registered it intending to exploit the recognition and reputation associated with the mark. The Complainant also contends that non-use of the disputed domain name does not preclude a finding of bad faith use under the passive holding doctrine.

B. Respondent

The Respondent did not reply to the 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 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 a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name reproduces the Complainant's mark in its entirety, adding only the letter "s" at the end. The mark remains clearly recognizable within the disputed domain name. Such a minor variation does not prevent a finding of confusing similarity for the purposes of the first element. WIPO Overview 3.1, sections 1.7 and 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 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.

First, the Complainant's mark is well-recognized in its field, and the mark BRANDSAFWAY – though it incorporates elements from dictionary words – has distinctiveness when taken as a whole. As for the disputed domain name, it is identical to the Complainant's mark with the addition of a letter "s", and further, a search for "brandsafway" in an Internet search engine shows results that almost exclusively pertain to the Complainant. Given the reputation of the Complainant's mark, the Panel finds that this constitutes typosquatting. Absent any response from the Respondent, the Panel concludes that the Respondent likely registered the disputed domain name intending to target the Complainant and its mark with the intention of taking unfair advantage of that association.

There is no evidence that the disputed domain name has ever been used. Nonetheless, 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. 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 and reputation of the Complainant's trademark, and the lack of any response from the Respondent, 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.

Accordingly, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, and 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 <brandsafways.org> be transferred to the Complainant**.**

/Kathryn Lee/
Kathryn Lee
Sole Panelist
Date: September 15, 2026