

ADMINISTRATIVE PANEL DECISION

Auditel s.r.l v. Dirk Wayne
Case No. D2025-2736

1. The Parties

The Complainant is Auditel s.r.l, Italy, represented by Ampersand Partnerschaft von Rechtsanwälten mbB, Germany.

The Respondent is Dirk Wayne, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <cusv.org> (the “Disputed Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2025. On July 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 14, 2025, 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 (Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 2025, 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 amendment to the Complaint on July 15, 2025.

The Center verified that the Complaint together with the amendment to the 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 15, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on August 27, 2025. 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.

On September 1, 2025 the Panel issued a Procedural Order (the “Procedural Order”) in the following terms:

“The Panel has reviewed the submissions from the Parties in this case and notes the disputed domain name comprises a four-letter acronym. The Panel also notes that there is no direct evidence of the Respondent targeting the Complainant. The Panel further notes there is no evidence of the Complainant having any fame or reputation outside Italy. In accordance with the procedure described at section 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, the Panel affords the Complainant the opportunity to comment on the following research carried out by the Panel.

Google searches carried out in the United Kingdom on August 29, 2025, indicate that “cusv” is a widely used acronym referring to either a Common Unmanned Surface Vehicle or Counter Unmanned Surface Vehicle, in both cases relating to a type of unmanned ship with military applications. It also less commonly refers to an academic institution called “California University Silicon Valley”. The first three pages of a Google search for “cusv” returned 22 results relating to the type of ship, two results relating to the Complainant, and one result relating to the academic institution.

Pursuant to paragraphs 10 and 12 of the UDRP Rules, the Panel issues the following order:

The Panel invites the Complainant to provide a further submission of not more than 1,000 words commenting on the above. Such a submission is to be filed by end of September 8, 2025. The Respondent may file a further submission in reply, limited to 1,000 words regarding the Complainant’s further submission, to be filed by end of September 12, 2025.

The Parties’ further submissions should be limited to the above request.

The Decision due date is extended to September 19, 2025”.

On September 5, 2025, the Complainant submitted a further filing pursuant to the Procedural Order. The contents of that filing are discussed below. The Respondent has failed to submit any comments in response to the Procedural Order.

4. Factual Background

The Complainant is an Italian Joint Industry Committee based in Milan, Italy, that brings together all Italian TV market players, namely broadcasters, advertisers, media agencies and media buyers. Since 1984, the Complainant has measured and released data depicting the entire digital, satellite, live and on-demand TV offered on all platforms and devices in Italy.

The Complainant operates the CUSV project (CUSV is an acronym which in English refers to “Unique Video Spot Code”), which is a proprietary encoding system that enables measurement of video advertising campaigns broadcast both on traditional TV and on digital platforms. The CUSV project was launched on May 23, 2022.

The Complainant is the owner of several CUSV trademarks as follows:

Italian trademark registration No. 302020000118192 CUSV, filed December 28, 2020 and registered June 9, 2021

European Union trademark registration No. 018437427 CUSV, filed March 25, 2021 and registered September 11, 2021

United Kingdom trademark registration No. UK00003655804 CUSV, filed June 15, 2021 and registered October 22, 2021

These trademarks are referred to as the “CUSV trademark” in this decision.

The Complainant also owns several domain names incorporating CUSV, including <cusv.it> (created January 7, 2021), <cusv.eu> (created January 7, 2021), <cusv.com> (created October 7, 2004), and <cusv.tv> (created March 14, 2025), all of which redirect to the Complainant's official website promoting the CUSV project.

The Disputed Domain Name was registered on January 28, 2025, and does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Disputed Domain Name is identical or confusingly similar to the CUSV trademark, that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and that the Disputed Domain Name was registered and is being used in bad faith.

Specifically, the Complainant argues:

1. The Disputed Domain Name is identical to the CUSV trademark, incorporating the mark in its entirety with only the addition of the generic Top-Level Domain (“gTLD”) “.org.”
2. The Respondent has no rights or legitimate interests in the Disputed Domain Name because: (a) the Complainant has not licensed or permitted the Respondent to use the CUSV mark; (b) there is no evidence of the Respondent's use of or preparation to use the Disputed Domain Name for a bona fide offering of goods or services; (c) the Respondent is not commonly known by the Disputed Domain Name; and (d) the Respondent is not making legitimate noncommercial or fair use of the Disputed Domain Name.
3. The Disputed Domain Name was registered and is being used in bad faith because: (a) the Respondent registered a domain identical to the Complainant's distinctive trademark; (b) the Disputed Domain Name resolves to an inactive website; (c) the Respondent used a privacy service to conceal its identity; (d) the Respondent failed to respond to the Complainant's cease and desist (“C&D”) letter; and (e) the Respondent provided false contact details in the registration information.

B. Respondent

No Response has been filed.

6. Discussion and Findings

Preliminary Matters

The Panel notes that no communication has been received from the Respondent. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to “employ reasonably available means calculated to achieve actual notice”. Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response.

While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with 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 respect of the Disputed Domain Name;
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has rights in the CUSV trademark. The Panel finds the Disputed Domain Name is identical to this trademark. It is well established that the gTLD, in this case ".org", does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly, the Panel finds that the Disputed Domain Name is identical to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Given the Panel's findings in relation to bad faith (see below) the Panel does not need to determine this issue.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, evidence of registration and use in bad faith includes:

- (i) circumstances indicating that the respondent has registered or 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 the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has 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 the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The difficulty the Complainant faces is that the Disputed Domain Name is a four letter acronym that may have been registered simply because of its general nature rather than with any intent to target the Complainant. If that is the case none of the paragraph 4(b) factors are present and there is no other reason in the evidence before the Panel to suggest bad faith is present. As indicated in the Procedural Order (see

above) there are potential third party uses of the acronym CUSV, and while this does not necessarily assist the Respondent in making out a case as regards its own potential rights or legitimate interests in the disputed domain name, equally there is no evidence that the Respondent has targeted the Complainant, and it seemed to the Panel that the Complainant had no reputation or fame outside Italy.

The Complainant's further filing pursuant to the Procedural Order made the following points.

It said it does have reputation outside Italy and relied on a Google search carried out in Germany. The first two results in that search refer to a type of unmanned ship but the next two refer to the Complainant.

It said the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interest and hence the burden shifts to the Respondent and it has failed to discharge that burden.

So far as bad faith is concerned it says as follows:

The Respondent did not reply to the Complaint, nor to the settlement request sent by the Complainant during these proceedings:

It did not react to the suspension of the Disputed Domain Name made by the Registrar following a C&D action taken by the Complainant;

It did not reply to the C&D letter sent through the Registrar;

It concealed its identity behind a privacy service and

It used false contact details.

The Complainant then says as follows:

"Even though there is no direct evidence that the respondent targeted the complainant, there is also no direct evidence to suggest that it did not. It is more likely than not that the Respondent has registered and used the disputed domain name with knowledge of the Complainant and targeting the Complainant's trademark and domain names for commercial gain.

Why else would Respondent have registered the domain name, if not for unfairly capitalize on the Complainant's trademark rights related to the ongoing CUSV project, or for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant or prevent the Complainant from reflecting the mark in a corresponding domain name?

Otherwise, the Respondent would have asserted his rights. He had several opportunities to make his opinion heard but opted not to bring forward any argument. In fact, the Complainant stresses that this is a default case. According to [WIPO Overview 3.0](#), section 4.3, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent. This is the case in the present case. The Respondent failed to provide any explanation or evidence."

The Panel is not persuaded by the Complainant's arguments. Even if the Complainant's reputation extends at least to some extent to Germany there is no evidence of it having any reputation in the United States. It clearly operates in a specialized field and there is no reason to suppose anyone in the United States outside that field would have any knowledge of the Complainant. It is hard to see that even if the Respondent put the Disputed Domain Name to use in some way it would gain any commercial advantage because the acronym in question is also used by the Complainant. In answer to the Complainant's rhetorical question as to "why else would Respondent have registered the domain name" the Panel notes the possibility of third party uses.

The Panel is not persuaded that the Respondent's failure to file a Response, or to reply to other correspondence is sufficient to infer bad faith. A person who has legitimately registered a domain name might be well advised to reply to threatening correspondence or file a Response to a complaint filed pursuant to the Policy, but is under no obligation to do so. Without other indications of bad faith the Panel does not consider that silence alone suffices. The Panel does not regard use of a privacy service as an indication of bad faith, again absent other indicia being present. Such use is perfectly legitimate and commonplace. The Complainant's case that the Respondent has provided false contact details is entirely based on an allegation that the provided telephone and fax details are incorrect. The Panel is not sure that this is actually correct (the numbers given are not obviously fictitious and the Complainant has not explained its reasoning) but in any event the Respondent's address as provided to the Registrar appears genuine given that a hard copy of the Complaint was successfully delivered by courier to that address. The Panel does not think this situation leads to an inference of the Respondent acting in bad faith.

The facts of this case are similar to the recent decision in *OMIS Group S.p.A. v. mediaWorld Advertising International FZE*, WIPO Case No. [D2025-2581](#). This case also involved an Italian complainant with a limited reputation and a domain name <omis.com> that was a four letter acronym. The respondent was based in the United Arab Emirates, and no response was filed. The domain name did not resolve to an active website and there was no evidence of targeting. The panel in that case observed:

"A key question for assessing bad faith under the Policy, paragraph 4(b)(i), is whether the Respondent registered the disputed domain name "primarily for the purpose" of selling it to the trademark holder or a competitor. This inference is not compelling here. The Respondent has not used the disputed domain name for a website or emails attacking the Complainant's mark or otherwise revealing awareness of the Complainant's mark, and there is no evidence on this record suggesting a prior relationship or particular reason that would indicate that the Respondent could be aware of the mark, which is used in rather specialized industrial fields rather than in consumer marketing[...] The Complainant bears the burden of proof on the issue of bad faith, and the Panel is not persuaded on this record that the Respondent acquired the disputed domain name with knowledge of the Complainant's trademark and the primary purpose of selling the disputed domain name to the Complainant. Therefore, the Panel finds that the third element of the UDRP has not been established in this case."

The Panel considers the same is the position here. The Complainant has not discharged the burden of showing the Disputed Domain Name was registered and used in bad faith. Accordingly the third condition of paragraph 4(a) of the Policy has not been fulfilled.

7. Decision

For the foregoing reasons the Complaint is denied.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: September 16, 2025