

ADMINISTRATIVE PANEL DECISION

DSI GLOBAL HOLDINGS PTY LTD v. Kevin Carne

Case No. DAU2026-0019

1. The Parties

The Complainant is DSI GLOBAL HOLDINGS PTY LTD, Australia, internally represented.

The Respondent is Kevin Carne, Australia.

2. The Domain Name and Registrar

The disputed domain name <smb1001.com.au> is registered with Synergy Wholesale Accreditations Pty Ltd (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 22, 2026. On July 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 27, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was August 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 21, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on August 26, 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 incorporated in Australia.

The Complainant is the developer and operator of the SMB1001 cybersecurity certification standard, a multi-tiered certification framework designed for small and medium-sized businesses. The Complainant claims to have used the name “SMB1001” in connection with those services for a number of years. It operates a website at the domain name <dsi.org> to promote the standard.

The Complainant claims to hold a portfolio of domain name registrations corresponding to the “SMB1001” name, including <smb1001.com>, <smb1001.org.au>, <smb1001.au>, and <smb1001.org>. (The Panel is prepared to accept this, but notes that the Complainant has not provided any evidence that it is the registrant of these domain names.) The Complainant states that the omission of the disputed domain name from this portfolio was an oversight at the time of its original domain name registrations.

The Complainant has filed a trademark application with IP Australia for the word mark SMB1001 (Application No. 2665251, filed July 2, 2026). The application is pending at the time of this decision.

The Respondent is an individual, apparently located in Australia. The Respondent did not submit a response, and, consequently, little information is known about the Respondent.

The disputed domain name was registered on August 19, 2025. The disputed domain name hosts a landing page headed “SMB1001 Advisor” with the tagline “Launching soon” and includes a description that independent advisory cybersecurity services will be offered through the website under the disputed domain name.

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 identical to the Complainant’s business and trading name “SMB1001” in which the Complainant has rights, the only difference being the “.com.au” Second-Level Domain, which is to be disregarded for the purposes of comparison.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name, specifically:
- The Respondent is not commonly known by the “SMB1001” name and has no registered business, trademark, or trading name corresponding to it.
- On June 8, 2026, the Respondent confirmed ownership of the disputed domain name and stated he was “Currently not working on it and had 0 results so will likely pull the pin on it soon”. As at July 21, 2026, the website under the disputed domain name remained live and had not been taken down.
- The Respondent was sent correspondence by the Complainant on multiple occasions in June 2026 regarding the licensing requirements applicable to use of the “SMB1001” name, and has ceased to respond or engage.

- The Respondent has registered or subsequently used the disputed domain name in bad faith, specifically:
- The Respondent has intentionally retained the disputed domain name after being informed of the Complainant's prior rights and the licensing requirements attaching to use of the "SMB1001" name, and has ignored the Complainant's correspondence on the matter.
- The Respondent's use of the disputed domain name under the name "SMB1001 Advisor" constituted an attempt to attract potential customers by creating a likelihood of confusion with the Complainant's "SMB1001" name as to source, sponsorship, or affiliation.
- The registration of the disputed domain name prevents the Complainant from reflecting its name in the ".com.au" namespace, notwithstanding that the Complainant holds the domain names <smb1001.com>, <smb1001.org.au> and <smb1001.au>.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (a) the disputed domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (c) the disputed domain name has been registered or subsequently used in bad faith.

The onus of proving these elements is on the Complainant.

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 or name and the disputed domain name. auDA Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0"), section 1.7.

The Complainant has filed a trademark application with IP Australia for the word mark SMB1001. An application for trademark registration in Australia (even an accepted application, where it has not proceeded to grant) does not, of itself, satisfy the requirement of the Complainant having rights for the purposes of paragraph 4(a)(i) of the auDRP. For the Complainant to satisfy that requirement, the trademark that is the subject of the application must either: (i) satisfy the test for being a common law or unregistered trademark; or (ii) constitute a "name" within Note 1 of the Policy – i.e., be the Complainant's company, business or other legal or trading name, as registered with the relevant Australian government authority, or be the Complainant's personal name. auDRP Overview 2.0, section 1.1.5.

In relation to limb (i) above, the Complainant has not provided sufficient evidence that the unregistered mark "SMB1001" has acquired "secondary meaning", such as to become a distinctive identifier associated with the Complainant or its goods or services – i.e., that it is a common law trademark. auDRP Overview 2.0, section 1.3.1. In its Complaint, the Complainant refers to a website "www.dsi.org", on which the purported unregistered trademark appears. However, the website does not contain the types of evidence Panels

typically look for to determine whether secondary meaning has been established (such as, the length and amount of sales under the mark, the nature and extent of advertising using the mark, surveys of consumer recognition of the mark, and media references to the mark). While not dispositive, the Panel notes that the website does not reference the Complainant itself (rather, “Dynamic Standards International” is referenced).

In relation to limb (ii), the Complainant has not provided any evidence of use of “SMB1001” as its company, business or other legal or trading name. auDRP Overview 2.0, section 1.1.6. Panels may conduct limited factual research where it is considered necessary to reach the right decision. auDRP Overview, section 4.8. The Panel has conducted its own searches of public registers, and could not find any evidence of the use of “SMB1001” as the Complainant’s company, business or other legal or trading name registered with the relevant Australian government authority.

The Panel finds the first element of the Policy has not been established.

The Panel does not opine on a possible refiling if the trademark application proceeds to grant.

B. Rights or Legitimate Interests

Considering the Panel’s findings in relation to the first element, there is no need to address this element.

C. Registered or Subsequently Used in Bad Faith

Considering the Panel’s findings in relation to the first element, there is no need to address this element.

7. Decision

For all the foregoing reasons, the Complaint is denied.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: September 9, 2026