Panel Decision for dispute CAC-ADREU-008890

Case number	**CAC-ADREU-008890**
Time of filing	**2026-02-17 09:21:43**
Domain names	**prenuvo.eu**

Case administrator

Olga Slanařová (Case admin)

Complainant

Organization	**Prenuvo Inc.**

Complainant representative

Organization	**Mitscherlich PartmbB**

Respondent

Name	**Cosmin Comsa**

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

The Panel is not aware of any other pending or decided legal proceedings which relate to the disputed domain name.

FACTUAL BACKGROUND

The complainant is Prenuvo Inc. (the "**Complainant**"), a US-based healthcare company specializing in advanced diagnostic imaging services (hereby represented by Dr. Markus Graf).

The respondent is Mr. Cosmin Comsa, resident in Romania (the "**Respondent**").

The disputed domain name, prenuvo.eu (the "**Disputed Domain Name**"), was registered by the Respondent on May 3, 2023.

On December 29, 2025, the Complainant filed a complaint requesting the revocation of the Disputed Domain Name for the reasons set forth below (the "**Complaint**").

A. COMPLAINANT

The Complainant bases its Complaint on the ownership of the international trademark registration No. 1754237 for the word trademark "prenuvo", registered on March 20, 2023 for services in class 44, which designates, inter alia, the territory of the European Union (hereinafter, the "**Trademark**").

The Complainant argues, primarily, that the Disputed Domain Name, registered on May 3, 2023 (i.e. two months after the Trademark registration) is identical to the Trademark.

Furthermore, according to the Complainant, there is no evidence of a legitimate interest in the registration of the Disputed Domain Name by the Respondent. To support this position, the Complainant emphasizes that online searches carried out through the search engine Google reveal no evidence of the Respondent's use of the word "prenuvo". Similarly, the Complainant provides further documentation attesting that according to a search carried out through the "TMview" service there are no other trademark registrations of the word "prenuvo" apart from that belonging to the Complainant itself.

The Complainant further points out that the Disputed Domain Name is not currently in use, and in fact it does not redirect to any web page.

Finally, the Complainant asserts that the Disputed Domain Name is used in bad faith because, since the time of registration (i.e. May 3, 2023), it has not been used.

For the reasons outlined above, the Complainant asks for the revocation of the Disputed Domain Name.

B. RESPONDENT

The Respondent did not submit a formal response, despite receiving both a reminder and the official notification of default.

DISCUSSION AND FINDINGS

According to Article 4(4) of the Regulation (EU) 2019/ 517 (hereinafter the "**Regulation**") and Paragraph B11(d)(1) of the ADR Rules, the complainant bears the burden of proving the following:

1. the disputed domain name is identical with or confusingly similar to a name in respect of which a right is established by the national law of a Member State and/or European Union law; and either
2. the domain name has been registered by the respondent without rights or legitimate interest in the name; or
3. the domain name has been registered or is being used in bad faith.

1. Assessment of the prior right and of the identity or confusing similarity

Regarding the Trademark, the Complainant provided an extract from the WIPO database, which confirms its ownership of the Trademark as well as the earlier date of registration of the Trademark itself compared to that of the Disputed Domain Name [1]. The Trademark is recognized and protected under European Law due to the designation of the European Union territory.

The Disputed Domain Name is clearly identical to the Trademark. It is worth noting that panels are almost unanimous in their opinion that, in order to assess identity or confusing similarity, the ".eu" suffix of the domain name examined must be disregarded [2].

The first requirement of Article 4(4) of the Regulation and of Paragraph B11(d)(1)(i) of the ADR Rules is therefore met.

2. Lack of rights or legitimate interests

According to Article 4(4) of the Regulation and Paragraph B11(d)(1)(ii) of the ADR Rules, the complainant is also required to prove the lack of rights or legitimate interest of the respondent in the disputed domain name.

Regarding this requirement, it is necessary to point out that, as a general principle, the burden of proof always lies with the complainant and that a default by the respondent does not mean by itself that the complainant automatically fulfilled this task. However, in accordance with the jurisprudence summarized in the "CAC.EU 2.0 overview" and with the WIPO Jurisprudence, it might be difficult for a complainant to prove negative facts because some required information is only within the knowledge of the respondent. Hence, should the complainant be able to make a prima facie case that the respondent lacks rights and legitimate interests in the disputed domain name, then the burden of proof shifts to the respondent and if the respondent fails to show evidence of rights or legitimate interests, it is deemed to have none.

In the present case, the Panel finds that the Complainant has successfully made a prima facie case that the respondent lacks rights and legitimate interests in the disputed domain name.

In fact, the Complainant has submitted documentary evidence indicating that there is no activity whatsoever under the name "prenuvo" that can be traced back to the Respondent [3]. The Complainant has also attached documents showing that the Disputed Domain Name does not redirect to any active website nor has it been used in the two years following its registration [4].

On the other hand, given the Respondent's default, there is no evidence before the Panel to suggest that the Respondent has ever used the Disputed Domain Name, or a name corresponding to the Disputed Domain Name, in connection with a bona fide offering of goods and services, or that the Respondent has made any demonstrable preparations to do so.

The Panel therefore finds that the Complainant has satisfied the second requirement of Article 4(4) of the Regulation and of Paragraph B11(d)(1)(ii) of the ADR Rules

3. Bad Faith

Given the alternative character of Paragraphs B11(d)(1)(ii) and (iii) of the ADR Rules, the Panel would not need to assess the bad faith requirement. Nevertheless, for the sake of completeness, and given that the Complainant itself also argued about bad faith in its Complaint, the Panel will also address this issue.

The Complainant asserts that the non-use of the Disputed Domain Name for more than two years after its registration leads to the "irrefutable assumption of bad faith". On this issue, it should be noted that case law is not unanimous.

While the so-called passive holding of a domain name is considered by some panels to constitute evidence of bad faith, this Panel wishes to recall the view expressed in other decisions that passive holding must be assessed on a case-by-case basis and cannot systematically be deemed to demonstrate bad faith [5]. In other words, the passive holding of a domain name should be evaluated in light of additional factual circumstances, such as, for example, the fact that the complainant's trademark has a strong reputation and is widely known, or the fact that the one who registered the domain name did so primarily for the purpose of selling it to the complainant or to others [6]. No such circumstances are evident in the present case. Given the absence of allegations or evidence of additional factors supporting the finding of bad faith, the Panel

concludes that, in the present case, the passive holding of the Disputed Domain Name alone is insufficient to satisfy the bad faith requirement.

Therefore, the third requirement of Article 4(4) of the Regulation and of Paragraph B11(d)(1)(iii) of the ADR Rules is not met.

That said, it should nevertheless be recalled that the Complainant has satisfactorily demonstrated the alternative requirement of lack of rights or legitimate interest established by Article 4(4) of the Regulation and by Paragraph B11(d)(1)(ii) of the ADR Rules.

4. Remedy sought

The Complainant did not request the transfer of the Disputed Domain Name but only its revocation. This request is consistent with the Regulation and Paragraph B11(b) of ADR Rules since the Complainant is based in the United States and it is not an EU-entity.

[1] Annex 2 attached to the Complaint.

[2] See, among many others, CAC-ADREU-007246, CAC-ADREU-007224 and CAC-ADREU-007257.

[3] Annex 5 attached to the Complaint.

[4] Annexes 6 and 7 to the Complaint.

[5] See CAC-ADREU-004141.

[6] See CAC-ADREU-007668.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the ADR Rules, the Panel orders that the domain name “prenuvo.eu” be revoked.

PANELISTS

Name	**Ilaria Carli**

DATE OF PANEL DECISION 2026-02-17

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: prenuvo.eu

II. Country of the Complainant: USA, country of the Respondent: Romania

III. Date of registration of the domain name: May 3, 2023

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
1. international word trademark registration No. 1754237, for the term "prenuvo", registered on March 20, 2023 in respect of services in class 44 and designating amongst others the European Union territory.

V. Response submitted: No

VI. Domain name is identical to the protected right of the Complainant.

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. No
2. Why: According to the evidence submitted, there is no activity under the name "prenuvo" that can be traced back to the Respondent; the Disputed Domain Name does not redirect to any web page.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. No
2. Why: The fact that the Disputed Domain Name does not redirect to any website is, in the absence of further factual circumstances, insufficient to prove bad faith.

IX. Other substantial facts the Panel considers relevant:

X. Dispute Result: Revocation of the Disputed Domain Name

XI. Procedural factors the Panel considers relevant:

XII. [If transfer to Complainant] Is Complainant eligible? [Yes/No]