

## **ADMINISTRATIVE PANEL DECISION**

CrowdStrike, Inc. v. Tony Curtis  
Case No. D2022-3975

### **1. The Parties**

Complainant is CrowdStrike, Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Tony Curtis, United States of America

### **2. The Domain Name and Registrar**

The disputed domain name <gocrowdstrike.com> is registered with Launchpad.com Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 24, 2022. On October 24, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 24, 2022, 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 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 Respondent of the Complaint, and the proceedings commenced on October 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 17, 2022. Respondent sent informal emails to the Center on November 10 and 23, 2022.

The Center appointed Phillip V. Marano as the sole panelist in this matter on November 30, 2022. 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**

Complainant is a leading cybersecurity company founded in 2011. Complainant offers its cybersecurity services through its official <crowdstrike.com> domain name and website. Complainant owns valid and subsisting registrations for the CROWDSTRIKE trademark in numerous countries and regions, including for CROWDSTRIKE in Australia, the United States, and the European Union (Reg. Nos. 1,128,674, 4,336,365, and 011019197 respectively) with the earliest priority dating back to July 3, 2012.

Respondent registered the disputed domain name on September 10, 2018. At the time this Complaint was filed, the disputed domain name was configured with MX records and resolved to a website that made prominent use of Complainant's CROWDSTRIKE trademark, falcon logo, and trade dress from Complainant's official website, and purported to offer services related to Complainant and Complainant's cybersecurity services. Specifically, Respondent's website advertised "Crowdstrike Great Brains Webinar Series" inviting website visitors to "Register Now for a chance to win ... a modern electronic gadget" while soliciting from visitors their "First and Last Name", "Title", "Email Address", and "Phone Number".

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant asserts ownership of the CROWDSTRIKE trademark and has adduced evidence of trademark registrations in numerous regions and countries around the world including in Australia, the United States and the European Union, with earliest priority dating back to July 3, 2012. The disputed domain name is confusingly similar to Complainant's CROWDSTRIKE trademark, according to Complainant, because it is incorporated in its entirety into the disputed domain name with the mere addition of the term "go". Furthermore, Respondent's use of the disputed domain name contributes to that confusing similarity because, according to Complainant, Respondent has configured it to resolve to a website thematically similar to that of Complainant which offers services in relation to Complainant.

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any sponsorship or affiliation between Complainant and Respondent; the lack of any license or authorization between Complainant and Respondent; the lack of any evidence that Respondent, identified by Whois data as "Tony Curtis", is known by the CROWDSTRIKE trademark; Respondent's registration of the disputed domain name well after Complainant acquired rights in its CROWDSTRIKE trademark; Respondent's use of the disputed domain name to resolve to a website that features Complainant's CROWDSTRIKE trademark, falcon logo, and official website trade dress to imitate Complainant and pass itself off as Complainant; and Respondent's phishing for personal data from Internet users visiting Respondent's website.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: the well-known nature of Complainant's CROWDSTRIKE trademark; Respondent's use of the disputed domain name to resolve to a website that features Complainant's CROWDSTRIKE trademark, falcon logo, and official website trade dress to imitate Complainant, pass itself off as Complainant, and claim to offer services affiliated with Complainant; Respondent's phishing for personal data from Internet users visiting Respondent's website; and Respondent's configuration of the disputed domain name with MX records, likely to send emails in furtherance of phishing or fraud.

##### **B. Respondent**

Respondent sent informal emails to the Center on November 10 and 23, 2022. In relevant part, Respondent asserted "This domain, gocrowdstrike.com, is owned exclusively by Tony Curtis" and "is presently for sale should the complainant, if applicable, may want to purchase". "I would like to request to know exactly what complaint has been made?"

## 6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. The disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights;
- ii. Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. The disputed domain name has been registered and is being used in bad faith.

Panels typically treat a respondent's submission of a so-called "informal response" (merely making unsupported conclusory statements and/or failing to specifically address the case merits as they relate to the three UDRP elements, e.g., simply asserting that the case "has no merit" and demanding that it be dismissed) in a similar manner as a respondent default. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), Section 4.3. Indeed, the Panel views Respondent's submissions, asserting "This domain, gocrowdstrike.com, is owned exclusively by Tony Curtis" and "is presently for sale should the complainant, if applicable, may want to purchase", as akin to a respondent default.

Although Respondent did not reply to Complainant's contentions, the burden remains with Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. UDRP 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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 4.2 and 4.3; see also *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

### A. Identical or Confusingly Similar

Ownership of a nationally or regionally registered trademark serves as *prima facie* evidence that Complainant has trademark rights for the purposes of standing to file this Complaint. [WIPO Overview 3.0](#), section 1.2.1. Complainant submitted evidence that the CROWDSTRIKE trademark has been registered in numerous countries and regions with priority dating back to July 3, 2012. Thus, the Panel finds that Complainant's rights in the CROWDSTRIKE trademark have been established pursuant to the first element of the Policy.

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's CROWDSTRIKE trademark.

In this Complaint, the disputed domain name is confusingly similar to Complainant's CROWDSTRIKE trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the entirety of the trademark is contained within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name ... [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar..."). In regards to gTLDs, such as ".com" in the disputed domain name, they are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.

The combination with the term "go" does not prevent a finding of confusing similarity between Complainant's CROWDSTRIKE trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.8 (Additional terms "whether descriptive, geographic, pejorative, meaningless, or otherwise" do not prevent a finding of

confusing similarity under the first element); see also *OSRAM GmbH v. Cong Ty Co Phan Dau Tu Xay Dung Va Cong Nghe Viet Nam*, WIPO Case No. [D2017-1583](#) (“[T]he addition of the letters ‘hbg’ to the trademark OSRAM does not prevent a finding of confusing similarity between the Disputed Domain Name and the said trademark.”). Indeed, the Panel concurs with Complainant that the additional term “go” does not dispel the confusing similarity between Complainant’s CROWDSTRIKE trademark and the disputed domain name.

In view of the foregoing, the Panel concludes that Complainant has established the first element of the Policy.

## **B. Rights or Legitimate Interests**

Complainant must make out a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name, shifting the burden of production on this element to Respondent to come forward with evidence demonstrating such rights or legitimate interests. Where, as in this Complaint, Respondent fails to come forward with any relevant evidence, Complainant is deemed to have satisfied the second element of the Policy. [WIPO Overview 3.0](#), section 2.1.

It is evident that Respondent, identified by Whois data for the disputed domain name as “Tony Curtis”, is not commonly known by the disputed domain name or Complainant’s CROWDSTRIKE trademark.

UDRP panels have categorically held that use of a domain name for illegal activity - including the impersonation of the complainant and other types of fraud - can never confer rights or legitimate interests on a respondent. Circumstantial evidence can support a credible claim made by complainant asserting respondent is engaged in such illegal activity. [WIPO Overview 3.0](#), section 2.13. In its Complaint, Complainant has submitted firm evidence that: Respondent registered and used the disputed domain name to resolve to a website that misappropriates Complainant’s CROWDSTRIKE trademark, logo, and trade dress of Complainant’s official website in furtherance to Respondent’s scheme to impersonate Complainant, or pass itself off as Complainant; Respondent’s website purported to offer services related with Complainant; and Respondent used the disputed domain name in conjunction with a website and MX records most likely used to phish for personal data from Internet users. To this end, the second and third elements of the Policy may be assessed together where clear indicia of bad faith suggests that there cannot be any Respondent rights or legitimate interests. [WIPO Overview 3.0](#), section 2.15.

In view of the foregoing, the Panel concludes that Complainant has established the second element of the Policy.

## **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent’s documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

- iv. By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

UDRP panels have categorically held that registration and use of a domain name for illegal activity - including impersonation, passing off, and other types of fraud like phishing - is manifestly considered evidence of bad faith. See *e.g. WSI Holdings Ltd. v. WSI House*, WIPO Case No. [D2004-1089](#) ("Respondent appears to be engaged in 'phishing' for mistaken potential employees of the Complainant ... Respondent (1) has adopted a confusingly similar domain name, (2) it has used the trade dress of the Complainant's website, and (3) it has sought to attract users to its site by creating confusion between its site and the Complainant's. It has clearly engaged in activity which fulfils the bad faith requirements of Paragraph 4(b)(iv) of the Policy."). As discussed above, Complainant has proffered evidence that: Respondent registered and used the disputed domain name to resolve to a website that misappropriates Complainant's CROWDSTRIKE trademark, logo, and trade dress of Complainant's official website in furtherance to Respondent's scheme to impersonate Complainant, or pass itself off as Complainant; Respondent's website purported to offer services related with Complainant; and Respondent used the disputed domain name in conjunction with a website and MX records most likely used to phish for personal data from Internet users.

The disputed domain name contains in its entirety Complainant's CROWDSTRIKE trademark, and the record is devoid of any evidence to suggest that Respondent has any legitimate interest in the disputed domain name. Moreover, Complainant has made a plausible argument that Respondent's proactive configuration of an email server, creates a risk that Respondent is engaged in a phishing scheme, thereby using an email address associated with Complainant to try to steal valuable sensitive, financial or other confidential information from Complainant's clients or employees. Prior WIPO panel determinations have recognized the same risk, and considered it as additional evidence of bad faith. See *e.g. Accor SA v. Domain Admin, C/O ID#10760, Privacy Protection Service INC d/b/a PrivacyProtect.org / Yogesh Bhardwaj*, WIPO Case No. [D2017-1225](#); *Carrefour S.A. v. WhoisGuard, Inc / Gaudet Jose*, WIPO Case No. [DCO2018-0041](#) ("The Panel concurs with the Complainant that the connection of the disputed domain name with an email server configuration enhances a likelihood of confusion and presents a risk that the Respondent is engaged in a phishing scheme.").

In view of the foregoing, the Panel concludes that 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, <gocrowdstrike.com> be transferred to Complainant.

*/Phillip V. Marano/*

**Phillip V. Marano**

Sole Panelist

Date: December 14, 2022