ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Intel Corporation v. Viktor Cherkasov
Case No. D2025-2845

1. The Parties

The Complainant is Intel Corporation, United States of America ("United States"), represented by Sideman & Bancroft LLP, United States.

The Respondent is Viktor Cherkasov, Ukraine, represented by Steven Rinehart/Website Attorneys, United States.

2. The Disputed Domain Name and Registrar

The Disputed Domain Name <linutronix.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 17, 2025. On July 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 21, 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 (Registrant Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 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 amended Complaint on July 23, 2025.

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 July 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2025. The Response was filed with the Center on August 12, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on August 15, 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 August 15, 2025, the Complainant submitted an unsolicited Supplemental filing with the Center.

4. Factual Background

The Complainant, Intel Corporation, founded in 1968 in the United States, is a world famous company which develops, manufactures, and sells a wide variety of goods and services, including goods and services in the computer hardware, computer software, and technology industries.

Linutronix GmbH ("Linutronix") is a Germany-based consulting and service company founded in 1996 and organized as a limited liability company in 2006 that specializes in industrial and embedded Linux.

In February 2022, the Complainant acquired Linutronix, bringing Linutronix into its Software & Advanced Technology Group.

The Complainant and Linutronix announced the acquisition on February 23, 2022, on their relevant websites.

The Complainant (through Linutronix) owns trademark registrations for or including LINUTRONIX, such as the following:

- the European Union trademark number 018687991 for LINUTRONIX (word), filed on April 14, 2022, registered on June 18, 2024, covering goods and services in International classes 9 and 42;

- the United States trademark number 7422746 for LINUTRONIX (word), filed on March 14, 2022, registered on June 18, 2024, covering services in International class 42; and

- the United Kingdom trademark number UK00003773815 for LINUTRONIX (stylized), filed on April 4, 2022, registered on July 1, 2022, covering goods and services in International classes 9 and 42.

The Complainant owns the domain name <linutronix.de>.

The Disputed Domain Name was registered on February 23, 2022.

At the time of filing the Complaint, according to Annex 7 to the Complaint, the Disputed Domain Name was redirected on a third party webpage and offered for public sale, displaying the banner "DOMAIN NAME IS FOR SALE REQUEST PRICE FOR LINUTRONIX.COM"; the Internet users accesing this webpage were invited to submit their contact details (name, email address and telephone number) in order to obtain the price offer for the Disputed Domain Name.

When the Panel visited the website under the Disputed Domain Name, the content had changed displaying only the following notice: "LINUX/UNIX SERVERS ADMINISTRATION" and, again, the Internet users were invited to provide their contact details in order to be able to send a message.

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 the following:

The Complainant holds common law rights and registered trademark rights in the LINUTRONIX marks, as, since at least 2014, Linutronix has continuously and exclusively used the trademark LINUTRONIX as well as other LINUTRONIX-formative marks such as LINUTRONIX LINUX FOR INDUSTRY in connection with operating system software and network design and related information technology goods and services. As a result of its extensive marketing and promotion by Linutronix, and postacquisition, by the Complainant, the LINUTRONIX trademarks are well-known and a strong and highly distinctive indicator of source of goods and services offered by the Complainant, vis-à-vis Linutronix.

The Complainant contends that the Disputed Domain Name is identical to its trademarks; the Respondent has no rights or legitimate interests in the Disputed Domain Name; the Respondent has registered and is using the Disputed Domain Name in bad faith, mainly because the Disputed Domain Name was registered on the exact same day when the Complainant and Linutronix announced the Complainant's acquisition of Linutronix. The Respondent's registration of the Disputed Domain Name on the same day when the Complainant, a globally recognized and extremely valuable brand, publicly announced its acquisition of Linutronix is no mere coincidence. Rather, the timing supports the conclusion that the Respondent acted with full awareness of the Complainant's identity and business dealings, and registered the Disputed Domain Name with the intent to extract financial gain by selling the Disputed Domain Name to the Complainant.

The Respondent's evident goal was not legitimate use, but to force the Complainant into purchasing the Disputed Domain Name at an inflated price, capitalizing on the Complainant's well-known reputation and vast resources.

Furthermore, the Disputed Domain Name does not resolve to an active website but rather redirects to a third-party website, "www.purchasable.com", soliciting offers to purchase the Disputed Domain Name and expressly stating "DOMAIN NAME IS FOR SALE" and encouraging visitors to provide their contact information in order to obtain the quotation for buying the Disputed Domain Name.

In May 2025, as evidenced in Annex 8 to the Complaint, the Complainant attempted to purchase the Disputed Domain Name from the Respondent. The Respondent's (through a Sedo domain broker agent) initial demand for the Disputed Domain was for USD 35,000. Complainant counteroffered with USD 5,000; the Respondent rejected this counteroffer, so Complainant raised its offer to USD 15,000. However, the Respondent rejected this and instead drastically increased his demand price to over EUR 28 million (equivalent to over USD 32.7 million). Such price requested for the transfer of the Disputed Domain Name also evinces bad faith; prior UDRP Panels have determined that such an exorbitant figure "does not reflect the intrinsic value of the disputed domain name apart from its association with the Complainant's trademarks" (*MAGT Holding B.V. v. Translation Failed Translation Failed*, WIPO Case No. D2022-0938).

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, to the extent relevant for this decision, the Respondent contends the following:

The Respondent alleges that the Complainant has abused this administrative proceeding in an attempt to rob the Respondent of an entirely descriptive domain name, the Disputed Domain Name <linutronix.com>, which has been registered and in possession of the Respondent since February 23, 2022, before the Complainant obtained any of its registered trademarks. The Respondent requests the Panel to find the

Complainant has not carried its tripartite burden of proof under the Policy and, further, to find the Complainant has engaged in Reverse Domain Name Hijacking.

The Disputed Domain Name was created on February 23, 2022, according to the acquisition receipt provided as Annex B to the Response, for the amount of USD 8.85. The Complainant has taken no action on the Disputed Domain Name during the 3.5 intervening years.

The Respondent further asserts he had no knowledge of the Complainant when registering the Disputed Domain Name. The Complainant's evidence must establish both that the Respondent was clearly aware of the Complainant's product, and that the "clear aim" of the Respondent's registration "was to take advantage of the confusion between the Disputed Domain Name and the Complainant's rights." The Respondent had no awareness of the Complainant, and the Complainant failed to satisfy its burden.

The Respondent is a Ukrainian physical person and has a bachelor's degree in computer science (evidenced by the diploma provided as Annex C to the Response). The Respondent further asserts he is proficient in server management using Linux and Unix, and registered the Disputed Domain Name to provide a marketing platform for clients in need of Linux and Unix professionals. The Disputed Domain Name "incorporates versions of both the phrases "Linux" and "Unix".

The Respondent provides a draft of a website he created in 2022 and planned on putting up at the Disputed Domain Name (which is the website under the Disputed Domain Name available when the Panel visited the Disputed Domain Name, as described in Section 4 above).

The Respondent further claims he was forced to cease the work for the website under the Disputed Domain Name due to the war between his country, Ukraine, and the Russian Federation, which started the second day after registering the Disputed Domain Name.

All the Complainant's listed registered trademarks postdate the registration of the Disputed Domain Name. The Respondent asserts that the Complainant failed to demonstrate its common law rights in the LINUTRONIX mark, before the Respondent acquired the Disputed Domain Name. To establish unregistered or common law trademark rights for the purposes of the UDRP, the Complainant must show that its mark has become a distinctive identifier which consumers associate with the Complainant's goods and/or services. The Complainant failed to provide such evidence.

The Respondent claims he never contacted the Complainant offering to sell the Disputed Domain Name. It was the Complainant who contacted a third-party broker who, in turn, contacted a fourth-party broker who, then, contacted the Respondent offering to buy the Disputed Domain Name. Both of these brokers were acting as stalking horses in trying to entice/entrap the Respondent into selling. Additionally, the Respondent represents to the Panel that the Respondent never set the price at USD 35,000 and never received an offer of USD 5,000 or USD 15,000. The allegations in the Complaint to the contrary are unsupported. An email thread is included as Annex 8 to the Complaint, but this email thread was with a broker who communicated only to some limited extent with the Respondent.

The Respondent further alleges that, even where a respondent has actively attempted to sell a generic domain name to the trademark holder, no bad faith has been found since the purported mark of the trademark holder is generic or descriptive and, carrying on business in registering descriptive or generic domain names is not of itself objectionable.

The Respondent further provides a list of trademarks incorporating the expression "linu", filed before various offices, in order to demonstrate that there are dozens of trademarks which have been filed in different classes beginning with the string "linu". None of the parties seeking these marks is the Complainant. Further, the Complainant has never filed for trademark protection on its purported mark in the Ukraine, where the Respondent resides.

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

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

A. Procedural Issue – Supplemental Filings

On August 15, 2025, the Complainant submitted an unsolicited Supplemental filing ("Supplemental Filing"), purporting to address three significant factual deficiencies raised in the Response.

Neither the Rules nor the Supplemental Rules make provision for supplemental filings, except at the request of the Panel (see the Rules, paragraph 12). Paragraph 10 of the Rules instructs the Panel to conduct the proceeding "with due expedition". Therefore, UDRP panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), paragraph 4.6, and cases cited therein.

In particular, the Complainant underlines the facts and allegations initially raised in the Complaint, and/or obvious facts, case law or unsupported allegations made in the Response.

The Panel notes that nothing turns on the matters raised in the Supplemental Filing and it need not be admitted to reach a conclusion.

B. 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 3.0., section 1.7.

The Complainant has shown rights in respect of a registered trademark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element. WIPO Overview 3.0, section 1.1.3.

The Complainant also claims common law rights in the LINUTRONIX mark since 2014, but fails to provide relevant supporting evidence. WIPO Overview 3.0, section 1.3.

The entirety of the LINUTRONIX mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

The Panel finds the first element of the Policy has been established.

C. 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 the Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving 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 3.0, section 2.1.

The Complainant says mainly that the Respondent is not commonly known by the Disputed Domain Name, there is no relationship between the Complainant and the Respondent, and that the Complainant has not licensed or otherwise authorized the Respondent to use its LINUTRONIX mark. In fact, the Respondent has linked the Disputed Domain Name to a purchasable domains parked page advertising the Disputed Domain Name for public sale, and this cannot be considered a bona fide use of the Disputed Domain Name.

The Respondent claims mainly that, as a professional in server management using Linux and Unix, he registered the Disputed Domain Name, which "incorporates versions of both the phrases *Linux* and *Unix*" and is a generic or descriptive term, in order to provide a marketing platform for clients in need of Linux and Unix professionals. Such purported purpose was postponed due to the armed conflict involving his country.

The Panel cannot accept the Respondent's mere allegations that the Disputed Domain Name was formed from the combination of the terms "linux" and "unix", mostly because, without any other explanation from the Respondent, the Panel notes that the letters "tro" which are critical to forming the term "linutronix", are not present in the claimed parent terms, and they do not form an English dictionary word/or common term

The Respondent also failed to demonstrate that the Disputed Domain Name has a dictionary, or generic, or descriptive meaning in any language, and that it registered and is legitimately using (even for resale) the Disputed Domain Name in connection with any such meaning. In fact, the Disputed Domain Name reproduces exactly the Complainant's trademark registered in numerous jurisdictions worldwide[1] and these registrations clearly demonstrate the fact that the Complainant's trademark meets the distinctiveness criteria required to register a trademark in the respective jurisdictions.

Further, the Respondent mentioned its purported plans for the Disputed Domain Name but chose to remain silent in respect to the actual use of the Disputed Domain Name at the time of filing the Complaint, which was to be offered for public sale. These facts, together with the other circumstances in this case, particularly taking into account the composition of the Disputed Domain Name which is identical to the Complainant's mark, do not amount to a bona fide offering or legitimate noncommercial or fair use of the Disputed Domain Name. WIPO Overview 3.0, section 2.5.1.

The Panel finds the second element of the Policy has been established.

[1] Noting in particular the global nature of the Internet and Domain Name system, in particular the industry where the parties are active, the jurisdiction where the trademark is valid or the parties are located, is not considered relevant to Panel's assessment under this element.

D. 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.0, section 3.2.1.

In order to satisfy the third element under the Policy, the Complainant must establish the conjunctive requirement that the Respondent both registered and is using the Disputed Domain Name in bad faith. In order to demonstrate, first, that the Respondent registered the Disputed Domain Name in bad faith, the Complainant must establish, on the balance of probabilities, that the Respondent was aware of the Complainant's trademark when it registered the Disputed Domain Name, and did so in order to take unfair advantage of the commercial goodwill attaching to that trademark, in other words, "targeting" the Complainant's trademark rights.

The Disputed Domain Name was registered few months before the Complainant's registered trademark rights accrued; the mark had however been in use for a notable period prior.

While no trademark registration had been granted at the date the Disputed Domain Name was registered, it is clearly recognized in jurisprudence under the UDRP that a registrant may be found to have acted in bad faith when taking unfair advantage of nascent trademark rights, also listing various scenarios, such as, registering a domain name shortly before or after announcement of a corporate merger. WIPO Overview 3.0, section 3.8.2.

Here, the Disputed Domain Name was registered on the exact same day when the Complainant, a globally-famous technology company, announced the acquisition of the German entity, Linutronix GmbH. The Respondent, as per his own allegations, is a professional in computer science and thus active in the same industry. Further, his explanation in choosing the Disputed Domain Name for its claimed meaning/combination of terms is not convincing, as described in Section 6.C. above.

Accordingly, as per the evidence before it, the Panel concludes that this is not a mere coincidence but rather is evidence that the Respondent has registered the Disputed Domain Name in bad faith, to unfairly capitalize – following its acquisition announcement – on the Complainant's (nascent) trademark rights.

Paragraph 4(b)(i) of the Policy provides the circumstance when the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name 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. The Panel finds that, registering a domain name identical to the Complainant's trademark, and offering it for sale for valuable consideration in excess of its out-of-pocket expenses (absent any supporting evidence from the Respondent to the contrary), is evidence of bad faith behavior in the circumstances of this case. WIPO Overview 3.0, section 3.1.1.

The Panel finds that the Complainant has established the third element of the Policy.

E. Reverse Domain Name Hijacking

The Respondent filed a Reverse Domain Name Hijacking request in his Response.

Here, the Complaint was successful and plainly was not brought as an abuse of the administrative proceeding. The Panel would also note that given the substantive findings above, notably the timing of the acquisition of the Disputed Domain Name following the Complainant's announcement and the fact that the Respondent is in the IT industry, the Respondent's request lacks credibility.

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 <linutronix.com> be transferred to the Complainant.

/Marilena Comanescu /
Marilena Comanescu
Sole Panelist
Date: August 29, 2025