

ADMINISTRATIVE PANEL DECISION

CrowdStrike, Inc. v. Ye Li
Case No. DNL2022-0033

1. The Parties

The Complainant is CrowdStrike, Inc., United States of America, represented by CSC Digital Brand Services Group AB, Sweden.

The registrant of the disputed domain name is Ye Li, China (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <crowdstrikedataprotection.nl> (the “Domain Name”) is registered with SIDN through Domain Robot.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 12, 2022. On August 12, 2022, the Center transmitted by email to SIDN a request for registrar verification in connection with the Domain Name.

On August 15, 2022, SIDN transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on August 16, 2022, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on August 18, 2022.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint and the proceedings commenced on August 19, 2022. In accordance with the Regulations, article 7.1, the due date for Response was September 8, 2022. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on September 9, 2022.

The Center appointed Willem J. H. Leppink as the panelist in this matter on September 15, 2022. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The following facts are undisputed.

The Complainant is a large cybersecurity company offering customers protection from cyber threats. The Complainant also operates a platform for services in the field of data protection. The Complainant has won several awards in the world of cybersecurity. In 2021, the Complainant reported an annual revenue of USD 1.34 billion.

The Complainant is the owner of several trademarks all over the world, including but not limited to the European Union Trade Mark registration for the wordmark CROWDSTRIKE, with registration number 011019197, registered on December 4, 2012, for goods in classes 9, 42, and 45 (the "Trademark").

Furthermore, the Complainant is the owner of several domain names incorporating the Trademark, including but not limited to <crowdstrike.com>.

The Domain Name was registered on October 20, 2021, and redirected to <sedo.com>, where the Domain Name was offered for sale (the "Website").

5. Parties' Contentions

A. Complainant

Insofar as relevant for deciding this matter, the Complainant contends the following.

The Domain Name is confusingly similar to the Trademark since the Domain Name incorporates the Trademark in its entirety. The addition of the generic, descriptive term "data protection" does not affect this similarity. It only increases the level of similarity between the Domain Name and the Trademark, because it describes one of the Complainant's activities, a data protection asset, which helps organizations in complying with regulatory requirements. Furthermore, the Top-Level Domain ".nl" may be disregarded in assessing the similarity between the Domain Name and the Trademark. Therefore, the Domain Name is confusingly similar to the Trademark.

The Respondent has no rights or legitimate interests in the Domain Name. The Respondent is not commonly known under the Domain Name. The Respondent is not sponsored by or affiliated with the Complainant in any way. Also, the Complainant has not given the Respondent permission to use the Trademark in any manner, including in domain names. Since the Respondent neither is an authorized dealer of the Complainant's products or services nor has had a business relationship with the Complainant, no actual or contemplated *bona fide* or legitimate use of the Domain Name could be claimed by the Respondent. As the Domain Name redirects to a third-party website where the Domain Name is being offered for sale for an amount of USD 9,999, the Respondent is not using the Domain Name to provide a *bona fide* offering of goods and services, nor making a legitimate noncommercial or fair use. Moreover, the amount for which the Domain Name is offered for sale far exceeds the Respondent's out-of-pocket expenses in registering the Domain Name. Therefore, the Respondent has no rights or legitimate interest in respect of the Domain Name.

By registering the Domain Name that incorporates the Trademark and the term "data protection", which relates to the Complainant's business, the Respondent has created a domain name that is confusingly similar to the Trademark, as well as to the Complainant's domain name <crowdstrike.com>. As such, the Respondent has demonstrated knowledge of and familiarity with the Complainant's brand and business. Furthermore, the Respondent is offering to sell the Domain Name, which constitutes bad faith because the Respondent has demonstrated an intent to sell, rent, or otherwise transfer the Domain Name for valuable consideration in excess of out-of-pocket expenses. It is well established that seeking to profit from the sale of a confusingly similar domain name that incorporates a third party's trademark demonstrates bad faith.

Therefore, the Domain Name is registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

Pursuant to article 2.1 of the Regulations, the Complainant must prove each of the following three elements:

a) the Domain Name is identical or confusingly similar to:

I. a trademark or trade name protected under Dutch law in which the Complainant has rights; or

II. a personal name registered in the General Municipal Register (*Gemeentelijke Basisadministratie*) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the Complainant undertakes public activities on a permanent basis; and

b) the Respondent has no rights to or legitimate interests in the Domain Name; and

c) the Domain Name has been registered or is being used in bad faith.

Article 10.3 of the Regulations provides that in the event a respondent fails to submit a response, the complaint shall be granted unless the panel considers it to be without basis in law or in fact. The Panel thereby notes that this does not mean that the requested remedy should automatically be awarded. The Panel will have to determine whether the Complainant's case *prima facie* meets the requirements of article 2.1 of the Regulations.

A. Identical or Confusingly Similar

Pursuant to article 2.1(a) under I of the Regulations, the Complainant must establish that the Domain Name is identical or confusingly similar to a trademark or trade name in which the Complainant has rights.

The Complainant has shown that it has rights in the Trademark, which also grants protection in the Netherlands.

The Panel finds that, in 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 to that mark, as set out in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition¹ ("[WIPO Overview 3.0](#)"), section 1.7. In this case, the Trademark is included in the Domain Name, and the addition of other terms, in the current case the term "data protection", does not prevent a finding of confusing similarity under the first element, as set out in [WIPO Overview 3.0](#), section 1.8. It is furthermore well established under ".nl" case law that the country code Top-Level Domain ".nl" may be disregarded for purposes of article 2.1(a) of the Regulations.

The Panel finds that the Domain Name is confusingly similar to the Trademark, as required by the Regulations.

The Complainant has thus established the first element of article 2.1 of the Regulations.

¹ In view of the fact that the Regulations are to an extent based on the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), are relevant to this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

B. Rights or Legitimate Interests

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

Consistent with earlier decisions under the Regulations, the Complainant must *prima facie* demonstrate that the Respondent has no rights to or legitimate interests in the Domain Name. If the Complainant succeeds in making out this *prima facie* case, the burden of production shifts to the Respondent, who will then have to come forward with appropriate allegations or evidence demonstrating a right to or legitimate interests in the Domain Name (see *Auto 5 v. E. Shiripour*, WIPO Case No. [DNL2008-0027](#)).

The Respondent may demonstrate such rights or legitimate interests *inter alia* through any of the following circumstances based on article 3.1 of the Regulations:

- a) before having any notice of the dispute, the Respondent made demonstrable preparations to use the Domain Name (or a name corresponding to the Domain Name) in connection with a *bona fide* offering of goods or services; or
- b) the Respondent as an individual, business or other organization is commonly known by the Domain Name; or
- c) the Respondent is making a legitimate noncommercial use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish or otherwise damage the relevant trademark, trade name, personal name, name of a Dutch public legal entity or name of an association or foundation located in the Netherlands.

Based on the record presented, the Panel finds that the Respondent is not commonly known under the Domain Name and does not appear to be affiliated with the Complainant in any way. Neither does the record show that the Respondent is, or has ever been, a licensee of the Complainant or that the Respondent has never requested and been permitted in any way by the Complainant to register or use a domain name incorporating the Trademark.

The Domain Name redirects to a webpage where the Domain Name is offered for sale. As such, the Respondent is not using the Domain Name to provide a *bona fide* offering of goods or services, nor making a legitimate noncommercial use.

Noting further that the Respondent has failed to respond to the Complaint and thus has not taken any steps to rebut the Complainant's arguments, the Panel finds that the Respondent lacks rights to or legitimate interests in the Domain Name.

The Complainant has thus established the second element of article 2.1 of the Regulations.

C. Registered or Used in Bad Faith

In light of its considerations under Section 6.B, the facts presented by the Complainant, and the lack of a response by the Respondent, the Panel finds that the Domain Name has been registered and is used in bad faith.

The Domain Name was registered on October 20, 2021, nine years after the registration of the well-known Trademark. It is highly unlikely that the Respondent has not been aware of the existence of the Complainant and the Trademark. The Panel considers in that respect that the Domain Name consists of the Trademark in its entirety and the additional term "data protection", being one of the Complainant's activities.

The Panel finds that the Domain Name's redirection to a third-party website offering it for sale for USD 9,999 strongly suggests that the Respondent registered the Domain Name primarily for the purpose of selling, renting or transferring it to the Complainant or to a competitor of the Complainant for valuable consideration

in excess of the cost of registration, pursuant to article 3.2(a) of the Regulations.

The Panel is thus satisfied that the third element of article 2.1 of the Regulations has been met and that the Domain Name was registered and is being used in bad faith.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the domain name <crowdstrikedataprotection.nl> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Panelist

Date: September 27, 2022