

## **PANEL DECISION**

CrowdStrike, GmbH and CrowdStrike, Inc. v. Ing Milan Vendrinsky,  
CrowdStrike Inc s.r.o.

Case No. DEU2023-0032

### **1. The Parties**

The Complainants are CrowdStrike, GmbH, Germany, and CrowdStrike, Inc., United States of America, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Ing Milan Vendrinsky, CrowdStrike Inc s.r.o., Slovakia.

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

The Registry of the disputed domain name <crowdstrikeinc.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is WebSupport s.r.o..

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 3, 2023. On August 4, 2023, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On August 7, 2023, the Registry 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 .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 10, 2023. In accordance with the ADR Rules, Paragraph B(3), the initial due date for Response was August 30, 2023. The Respondent requested an extension for the response due date, on August 27, 2023. The Center granted an extension for the Response due date until September 7, 2023. The Respondent requested a further extension, and did not submit a compliant Response in due course. Accordingly, the Center notified the Respondent’s default on September 11, 2023.

The Center appointed Reyes Campello Estebarez as the sole panelist in this matter on September 13, 2023. 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 ADR Rules, Paragraph B(5).

#### 4. Factual Background

The Complainant CrowdStrike, GmbH and the Complainant CrowdStrike, Inc. (collectively referred to hereinafter as the “Complainant”), are sister companies and wholly owned subsidiaries of CrowdStrike Holdings, Inc. The Complainant was founded in 2011 and provides cybersecurity services, Internet based cybersecurity platforms and related services, including cloud security solutions for data protection. Per the Complaint, the Complainant maintains more than 13,000 subscription-based customers, including various important corporations and banks.

The Complainant operates under the brand CROWDSTRIKE, and holds various trademark registrations for this brand, as well as for a Falcon logo, including:

- European Union Registration No. 011019197, registered on December 4, 2012, in classes 9, 42, and 45;
- International Registration No. 1128674, registered on July 3, 2012, in classes 9, 42, and 45;
- United States Registration No. 6415232, registered on July 13, 2021, in classes 41, and 42; and
- United States Registration No. 4732156, registered on May 5, 2015, in class 45, for the following Falcon logo:



The aforementioned trademark registrations will hereafter be referred to as the “CROWDSTRIKE mark” or the “Falcon logo”, respectively.

Prior decisions under the Policy have recognized the notoriety of the CROWDSTRIKE mark within the cybersecurity industry.<sup>1</sup>

The Complainant further owns various domain names incorporating the CROWDSTRIKE mark, including <crowdstrike.com> (registered on June 7, 2010), which resolves to its corporate website, and <crowdstrike.eu> (registered on April 10, 2015), which is used to redirect Internet users to its corporate website. The Complainant’s corporate website at “www.crowdstrike.com” has been ranked by <Alexa.com> as 23,981st globally, with an in-country rank in the United States of 10,454.

The disputed domain name was registered on June 13, 2022, and it resolves to a website, in English language, that offers various services for “Brand acceleration”, “Technology Performance”, and “Security Solutions”. In its “About Us” section, this site indicates, “we are company who deliver best security solutions and industry solutions”, “security sw solutions crowdstrike implentations partner -distributor and implentator of washtechology solutions”, and “based on our 30 plus years experience in industry, we focus only for the best technologies and consulting before implementations”. Various sections of this site include various texts in Latin language under the relevant section titles. The “Contact” section includes a contact form, as well as contact details, including telephone number, email and an address, located in Slovakia, of a company identified as CrowdStrike Inc s.r.o., as well as a telephone number, email and an address, located in United States, and various non-operating references to social media pages. This site does not include any reference to its lack of relationship with the Complainant and its CROWDSTRIKE mark. The copyright note of this site is dated 2023.

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<sup>1</sup>See, e.g., *CrowdStrike, Inc. v. Ye Li*, WIPO Case No. [DNL2022-0033](#).

According to the evidence provided by the Complainant, the Respondent's website has previously included the CROWDSTRIKE mark and the FALCON logo.

On November 21, 2022, the Complainant sent a cease and desist email communication to the Respondent, and it was responded the same date, indicating:

"[...] We Own the domain we are owner. We can use it as we wanted .  
The webpage is not completed yet, the developers didn't complete it .and maybe they puts some logo there, we'll ask them to remove.  
We are open to negotiate to sell our domain to you.  
As you known you not owning any trademark to crowstrikeinc. So it's our.  
We can talk about the sale of the domain.  
Our first offer is 150 000 EUR, offer is valid by five working days and must be until 5days.  
Other offer will be increased.  
If you agree with our offer prepare the contract, we will sent you invoice for selling domain.[...]"

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the ADR Rules for a transfer of the disputed domain name.

The disputed domain name is confusingly similar to the Complainant's trademark. It incorporates the CROWDSTRIKE mark adding the company designation for incorporated, "inc". The Complainant is commonly known as "CrowdStrike, Inc.", as it is a wholly owned subsidiary of CrowdStrike Holdings, Inc. The Respondent's prior use of the disputed domain name contributes to the confusion.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not sponsored by or affiliated with the Complainant, and has not been given any permission to use the Complainant's trademarks. According to the Business Register of the Ministry of Justice of the Slovak Republic, the Respondent is known as CrowdStrike Inc s. r. o., however, this company was registered significantly after the Complainant started its business and registered its trademarks, on May 22, 2019. The Respondent's business registration and the registration of the disputed domain name was done purposefully to give legitimacy to the Respondent and create the impression that it is associated with, or is itself, the Complainant, to host an impersonation website in an effort to take advantage of the Complainant's fame. The Respondent's website is still under construction including building language (phrases in Latin) and information about car washes. All evidence shows that the Respondent attempts to impersonate the Complainant and defraud its customers, to apparently sell security solutions and services.

The disputed domain name was registered and is being used in bad faith. The Complainant and its trademarks are internationally well known, and have a strong presence on the Internet. The Respondent's first use of the disputed domain name demonstrates its bad faith and its effort to pass-off as the Complainant. The Respondent has created a business entity to further contribute to this false affiliation, and, even after having received the Complainant's cease and desist communication, it continues to offer competing services from the disputed domain name. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant and its trademarks. This conduct constitutes a disruption of the Complainant's business, and qualifies as bad faith registration and use of the disputed domain name under the ADR Rules. Additionally, in reply to the Complainant's cease and desist communication, the Respondent has offered to sell the disputed domain name for valuable consideration in excess of his out-of-pocket expenses (EUR 150,000).

### **B. Respondent**

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

The Respondent addressed various email communications, in English language, to the Center requesting an extension for the deadline determined to file its Response, indicating that its lawyer and its management executives were on holidays, and they may need the translation of the Complainant into Slovakian language.

In these email communications to the Center, the Respondent further alleged that the Complainant acted in bad faith trying to get the disputed domain name for free, and requested the complete name of the Complainant's attorney to allegedly file a complaint against them.

## **6. Discussion and Findings**

The Complainant has made the relevant assertions as required by the ADR Rules and the dispute is properly within the scope of the ADR Rules. The Panel has authority to decide the dispute examining the three elements in paragraph B(11)(d)(1) of the ADR Rules, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated in the ADR Rules. Due to the similarities of the ADR Rules and the Uniform Domain Name Dispute Resolution Policy ("Policy" or "UDRP Policy"), the Panel will also take into account the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)).

### **A. Procedural Questions: Multiple Complainants and Respondent's Request for Translation and for an Additional Extension**

The Complainants CrowdStrike, GmbH and the Complainant CrowdStrike, Inc. (together referred as the "Complainant") are sister companies, and wholly owned subsidiaries of CrowdStrike Holdings, Inc., and this group of companies is the owner of the intellectual property rights over the CROWDSTRIKE mark and the Falcon logo. The Panel considers that the Complainants have a specific common grievance against the Respondent, and the Respondent has engaged in a common conduct that has affected the Complainants in a similar fashion. The Panel finds that the consolidation of the Complaint filed by the Complainants against the Respondent is therefore equitable and procedurally efficient. See section 4.11.2, [WIPO Overview 3.0](#).

Regarding the Respondent's request of translation of the Complaint into its native language, the Panel notes that paragraph A(3)(a) of the ADR Rules states that "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the ADR Proceeding shall be the language of the Registration Agreement for the disputed domain name". The Panel notes that the language of the registration agreement for the disputed domain name is English, that the Complaint was filed in English, and that there is no agreement between the Parties regarding the use of a different language.

In addition, the Panel notes that (i) the Respondent has maintained correspondence with the Complainant and with the Center in English language; (ii) the website linked to the disputed domain is redacted in English, (iii) the words contained in the disputed domain name are English words ("crowd" "strike" and "inc."), also included in the Respondent's company name, and (iv). These circumstances show in the Respondent an understanding knowledge of the English language.

Therefore, the language of the ADR proceeding shall be the language of the registration agreement for the disputed domain name; in this case, English.

As the Respondent's request for an exceptional additional extension (to the already granted extension) was based on the alleged need for translations, the Panel consider that such request is also not founded for the same reasons indicated above. This proceeding should be conducted with celerity and it does not allow any unnecessary delays. Therefore, the Respondent's request for an additional extension is not granted.

## **B. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law**

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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the CROWDSTRIKE mark registered and valid in the European Union for the purposes of the ADR Rules. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the CROWDSTRIKE mark is incorporated in the disputed domain name followed by the indication "inc" which refers to the company form "incorporated". The Panel considers that the Complainant's trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the CROWDSTRIKE mark for the purposes of the ADR Rules. [WIPO Overview 3.0](#), section 1.7.

Therefore, based on the available record, the Panel finds the first element of the Policy has been established.

## **C. Rights or Legitimate Interests**

While the overall burden of proof in ADR Rules 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 often impossible 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. 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.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Respondent's reaction to the Complaint has consisted of various email communications addressed to the Center requesting an extension of time and the translation of the Complaint, and accusing the Complainant and/or its legal representatives of bad faith without any evidence or basis for such accusations. The Respondent further reiterated in these communications its offer to sell the disputed domain name.

The Panel finds, however, remarkable that none of the Respondent's communications justify any rights or legal interests in the disputed domain name, except its mere allegation of having a company name partially related to the terms included in the disputed domain name (CrowdStrike Inc s. r. o.).

Insofar as a respondent's being commonly known by a domain name would give rise to a legitimate interest, panels carefully consider whether a respondent's claim to be commonly known by the domain name – independent of the domain name – is legitimate; and mere assertions that a respondent is commonly known by the domain name will not suffice. [WIPO Overview 3.0](#), section 2.3.

The Panel notes that the Complainant has admitted that the Respondent's company name includes some of the terms of the disputed domain name, but has provided evidence that this company was created in 2019, long after the Complainant's first use of the CROWDSTRIKE mark, and the Falcon logo internationally over the Internet.

The Panel further notes, according to the evidence provided by the Complainant, that the website linked to the disputed domain name initially included the Complainant's trademark and its Falcon logo, the Respondent's website appears to be still under construction, and it is projected to offer competing services in the same field where the Complainant operates.

Under these circumstances, the Panel considers that the Respondent's use of the disputed domain name may not qualify as a *bona fide* offering of services under the ADR Rules, as such use competes and capitalizes on the notoriety and good will acquired by the Complainant, to attract Internet users and potential customers in detriment of the Complainant's business.

The Panel further notes that the Respondent has not provided any explanation on how it decided to use the name "CrowdStrike Inc s. r. o." for its company, and to use the terms "crowdstrike inc" in the disputed domain name. The Panel notes that these terms are English words, however, the Respondent is Slovakian and has indicated in its communications to the Center that it could not easily understand English. It is therefore rare, in the Panel's view, that the Respondent chose these particular terms for identifying its business. It would have been necessary an explanation in this respect, to avoid that, in balance of probabilities, the Panel may consider that such terms were chosen targeting the Complainant and its trademarks. In addition, the initial use of the disputed domain name including the Complainant's trademarks and the logo in the Respondent's website, further corroborates such conclusion. In one of the Respondent's email communications, the Respondent claimed that the website was under development, and that the developers maybe put the logo. The Panel finds that in any case, the fact that a third party may have been involved in the development of the website does not remove the Respondent from its liability towards the content at its domain name.

The Panel finds that the Respondent has not provided sufficient evidence of any rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* case. Therefore, based on the available record, the Panel finds the second element of the Policy has been established.

#### **D. Registered or Used in Bad Faith**

Paragraph B(11)(d)(1) of the ADR Rules requests that the Complainant establishes that the disputed domain name has been registered or is being used in bad faith.

Having reviewed the record, the Panel finds that all circumstances of this case lead to consider that the disputed domain name has been both registered and used in bad faith.

The Complainant's trademark is well known in the cybersecurity industry, and has extensive presence over the Internet. The Panel, under its general powers, has corroborated that any search over the Internet for the term "crowdstrike" reveals the Complainant and its trademarks.

The Respondent appears to be a competing company operating in the same business that was founded eight years after the Complainant started operating (internationally over the Internet) under the CROWDSTRIKE mark, and when this mark had already acquired notoriety in its sector.

These circumstances indicate, in a balance of probabilities, that the Respondent knew or should have known about the Complainant and its trademarks when it registered the disputed domain name and when it founded its company.

The use of the disputed domain name further corroborates this conclusion, as the disputed domain name initially resolved to a website that displayed the Complainant's CROWDSTRIKE mark and its Falcon logo, in an effort to generate confusion or affiliation with the Complainant, and its trademarks, giving the impression that the Respondent's website was owned or endorsed by the Complainant or one of its affiliated companies.

The Panel notes that, according to the evidence provided by the Complainant, the content of the Respondent's website was changed after the cease and desist email communication forwarded by the

Complainant to the Respondent. The Respondent deleted the Complainant's Falcon logo from the website linked to the disputed domain name. However, the Panel notes that this site still appears to offer purported competing services in the same field as the Complainant under the term "crowdstrike", identical to the Complainant's trademarks, and does not include any text or any disclaimer in an effort to try to avoid the confusion. These circumstances indicate bad faith in the Respondent.

The Panel further notes that the Respondent's reaction to the cease and desist communication and to the Complaint has been to offer for sale the disputed domain name for a price exceeding the Respondent's likely out-of-pocket costs of registration, of EUR 150,000.

The Panel further notes the Respondent's threatening language in its communications in reply to the cease and desist email and to the notification of the Complaint, requesting the Complainant to accept its offer for sale (at a price of EUR 150,000) only in five days or, on the contrary, this price would increase, and even threatening the Complainant's attorney with a complaint against them. Such language cannot be considered an indication of good faith in the Respondent, but, on the contrary, the Panel finds that it is indicative of the Respondent's lack of legitimacy and convincing arguments against the Complainant's contentions.

All these circumstances lead the Panel to conclude that the registration of the disputed domain name was made in bad faith, without the adoption of the Respondent's company name being sufficient to generate any rights or legitimate interests under the circumstances of this proceeding.

The Panel concludes that, in balance of probabilities, the disputed domain name has been registered and used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant and its trademarks, and to obtain a benefit for its potential transfer to the Complainant or to any competitor, which constitutes bad faith under the ADR Rules.

Therefore, having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the ADR Rules, and the third element of paragraph B(11)(d)(1) of the ADR Rules has been established.

#### **E. Reverse Domain Name Hijacking ("RDNH")**

The Respondent alleges that the Complainant and/or its legal representative acted in bad faith trying to acquire the disputed domain name without paying its price.

The Panel finds this allegation has no basis. There is no reason in the record that justify such allegation. See [WIPO Overview 3.0](#), section 4.16, for some examples of reasons that may justify a RDNH finding.

### **7. Decision**

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name, <crowdstrikeinc.eu> be transferred to the Complainant CrowdStrike, GmbH.<sup>2</sup>

As the Complainant CrowdStrike, GmbH is a German company established in the European Union, it satisfies the general eligibility criteria for registration of one or more domain names under the .eu TLD set out in Article 3 of Regulation (EU) 2019/517.

*/Reyes Campello Estebarez/*  
**Reyes Campello Estebarez**  
Sole Panelist  
Date: September 27, 2023

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<sup>2</sup>(i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.