

ADMINISTRATIVE PANEL DECISION

CrowdStrike, Inc. v. Luke Bryan, Stril Swap
Case No. D2024-3070

1. The Parties

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

The Respondent is Luke Bryan, Stril Swap, United States.

2. The Domain Name and Registrar

The disputed domain name <crowdstriike.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 26, 2024. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on July 26, 2024, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 30, 2024, 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 August 1, 2024.

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 August 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 30, 2024.

The Center appointed Steven Auvil as the sole panelist in this matter on September 4, 2024. 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

According to the Complaint, the Complainant is an American cybersecurity company, headquartered in Sunnyvale, California, United States. The Complainant protects its customers from cyber threats through the use of artificial intelligence and offers real-time protection and visibility across customer enterprises. The Complainant alleges that it has global recognition and received numerous awards and recognitions within the cybersecurity industry. The Complainant also maintains a strong and secure presence on the Internet.

The Complainant owns two trademark registrations in the United States for the CROWDSTRIKE mark, United States Registration Nos. 4336365, registered on May 14, 2013, and 4664091, registered on December 30, 2014. The Complainant also owns trademark registrations in various other jurisdictions, International registration No. 1128674, registered July 3, 2012, European Union Intellectual Property Office, registration No. 011019197, registered December 4, 2012, and United Kingdom Intellectual Property Office, No. 00911019197, also registered December 4, 2012. Additionally, the Complainant owns the domain name <crowdstrike.com>.

The disputed domain name was registered on March 12, 2024. According to the Complaint, the disputed domain name has been used to facilitate email phishing attack, targeting the Complainant's customers in an effort to obtain sensitive financial information. The record shows the disputed domain previously resolved to a pay-per-click site.

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.

The Complainant first contends that the disputed domain name is confusingly similar because it is a purposeful misspelling of the Complainant's CROWDSTRIKE mark in that the Respondent included an additional letter "i" next to the existing one in "strike." The Complainant argues that the Respondent's intentional misspelling is an example of typosquatting – intentionally taking advantage of Internet users that inadvertently type an incorrect address when seeking to access the trademark owner's website and intending to confuse Internet users.

The Complainant further alleges that the Respondent has no rights or legitimate interest in the disputed domain name because the Respondent is not sponsored by or affiliated with the Complainant nor has the Complainant given the Respondent permission to use the Complainant's CROWDSTRIKE mark in any manner. Furthermore, the Complainant contends that it has not licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant's CROWDSTRIKE mark. Additionally, the Respondent is not commonly known by the disputed domain name and therefore lacks rights or legitimate interests.

The Complainant also alleges that the Respondent has used the disputed domain name in bad faith. The Complainant alleges that the disputed domain name incorporates a typosquatted version of the Complainant's CROWDSTRIKE mark and is confusingly similar. As such, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business. The Complainant further alleges that the Respondent has used the disputed domain name for a fraudulent email scheme.

According to the Complaint, the disputed domain name was used to facilitate email phishing attacks, targeting the Complainant's customers. The disputed domain name was used to send out email communications impersonating the Complainant's employees to obtain sensitive financial information from the Complainant's customers. The Complainant further alleges that the Respondent used the disputed domain name to direct Internet users to a website featuring links to third-party websites and potentially involving pay-per-click fees.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not file a Response to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent's failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented. See *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#).

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint and reasonable inferences drawn from the evidence presented.

A. 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The evidence submitted by the Complainant supports the conclusion that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The Complainant owns several United States and international trademarks for CROWDSTRIKE, the earliest of those registered in 2012. [WIPO Overview 3.0](#), section 1.2.1.

As set forth in [WIPO Overview 3.0](#), section 1.7, when the entirety of a mark is reproduced within the disputed domain name, or "at least a dominant feature of the relevant mark is recognizable in the domain name", the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, domain names that consist of a common, obvious, or intentional misspelling of a trademark are considered by panels to be confusingly similar to the relevant mark for purposes of the first element. See [WIPO Overview 3.0](#), section 1.9.

Here, the Panel observes that the Respondent has included an additional letter “i” in the Complainant’s CROWDSTRIKE mark when registering the disputed domain name. Thus, this is a classic case of “typosquatting”, which UDPR panels have held support a finding of confusing similarity. *Skyscanner Limited v. Anton Semenov, Home*, WIPO Case No. [D2023-4306](#).

Additionally, as set forth in section 1.11.1 of [WIPO Overview 3.0](#), the applicable generic Top-Level Domain (e.g., “.com”, “.site”, “.info”, “.shop”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. As such, the use of “.com” in the disputed domain name has no bearing on establishing identity or confusing similarity here. See *Ally Financial Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-2037](#).

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

B. 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 a disputed domain name. Such circumstances include:

(i) before any notice of the dispute, the respondent used, or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services;

(ii) the respondent (as an individual, business, or other organization) is commonly known by the disputed domain name, even if the respondent has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.1.

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.

Having reviewed the evidence of record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name as the evidence supports the conclusion that the Respondent is using the disputed domain name as part of a phishing scheme. Further, the Respondent has not rebutted the Complainant’s prima facie showing; in fact, the Respondent has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. There is no evidence that the Complainant has licensed or otherwise authorized the Respondent’s use of the CROWDSTRIKE mark as a domain name, nor is there evidence that the Respondent has any affiliation, association, sponsorship, or connection with the Complainant.

Panels have held that the use of a domain name for illegal activity, such as the phishing and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Here, the evidence demonstrates that the Respondent has used the disputed domain name in an attempt to pass off and impersonate the Complainant to contact the Complainant’s customers as part of a broader scam to defraud them.

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

C. 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 that, if found by the Panel to be present, is evidence of the registration and use of a domain name in bad faith. Such circumstances include, amongst others, where “the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor”, and where “by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the respondent’s website or location”. [WIPO Overview 3.0](#), section 3.1.

Additionally, section 3.2.1 of the [WIPO Overview 3.0](#) provides that “[p]articular circumstances panels may take into account in assessing whether the respondent’s registration of a domain name is in bad faith include: (i) the nature of the domain name (e.g., a typo of a widely-known mark, or a domain name incorporating the complainant’s mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant’s area of activity or natural zone of expansion); [...] (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent’s choice of the domain name, or (viii) other indicia generally suggesting that the respondent had somehow targeted the complainant”.

In the present case, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith. The disputed domain name incorporates the entirety of the Complainant’s registered and well-known CROWDSTRIKE mark with the exception of an apparent typo, including an additional letter “i” in “strike”. Considering this and the other the circumstances, including the failure of the Respondent to respond to the Complaint, the Panel finds that the Respondent knew of the Complainant’s CROWDSTRIKE mark at the time of registering the disputed domain name and endeavored to unfairly capitalize on the mark for commercial gain. The Panel, therefore, concludes that the disputed domain name was registered and used in bad faith and that the third element of paragraph 4(a) of the Policy is satisfied.

Moreover, the Panel finds that the Respondent has engaged in illegal acts using the disputed domain name as a tool, including using the disputed domain name to impersonate the Complainant in order to engage the Complainant’s customers in an apparent phishing scheme to deceive them and fraudulently obtain sensitive financial information. Panels have also held that the use of a domain name for this kind of activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel therefore finds that the 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 <crowdstrike.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: September 18, 2024