



# INDIA NON JUDICIAL

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Purchased by	: ROBIN R DAVID
Description of Document	: Article 12 Award
Property Description	: Not Applicable
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First Party	: ROBIN R DAVID
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Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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BEFORE THE .IN REGISTRY OF INDIA  
INDRP CASE NO. 1365

IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME DISPUTE  
RESOLUTION POLICY ("INDRP" or "the Policy"); THE INDRP RULES OF PROCEDURE  
("the Rules") AND THE ARBITRATION ACT

FINAL AWARD

*[Signature]*

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BEFORE THE .IN REGISTRY OF INDIA  
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IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME DISPUTE  
RESOLUTION POLICY ("INDRP" or "the Policy"); THE INDRP RULES OF PROCEDURE  
("the Rules") AND THE ARBITRATION ACT

IN THE MATTER OF:

CrowdStrike Inc  
150 Mathilda Place, Suite 300  
Sunnyvale, California 94086  
United States of America

... Complainant

versus

Feifei  
Doublefist Limited ([ymgroup@msn.com](mailto:ymgroup@msn.com))  
A3 Jia Zhao Ye, JiangBei, Huicheng District,  
HuiZhou City,  
GuangDong Province,  
China

also at  
Feifei  
Doublefist Limited  
HuiZhou  
Wisconsin 516000  
US  
Email : [ymgroup@msn.com](mailto:ymgroup@msn.com)

... Respondent

AND

IN THE MATTER OF:

A DISPUTE RELATING TO THE DOMAIN NAME [CROWDSTRIKE.IN](http://CROWDSTRIKE.IN)

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FINAL AWARD

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Dated the 18<sup>th</sup> day of May 2021  
Venue: New Delhi, India

  
ROBIN RATNAKAR DAVID  
SOLE ARBITRATOR

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## **I. PARTIES TO THE ARBITRATION**

### **1. The Complainant**

The Complainant is CrowdStrike, Inc., having its address at 150, Mathilda Place, Suite 300, Sunnyvale, California 94086, United States of America. The Complainant is represented by Ms. Natalie Leroy, CSC, Digital Brand Services Group AB, Drottninggatan 92-94, 111 36 Stockholm, Sweden, Email: [udrp@cscglobal.com](mailto:udrp@cscglobal.com) and Mr. Daniel B. Hodes, Director, Litigation, Email: [dan.hodes@crowdstrike.com](mailto:dan.hodes@crowdstrike.com).

### **2. The Respondent**

The Respondent is Feifei Doublefist Limited ([ymgroup@msn.com](mailto:ymgroup@msn.com)) having its address as A3 Jia Zhao Ye, JiangBei, Huicheng District, HuiZhou City, Guangdong Province, China and also at Feifei Doublefist Limited HuiZhou Wisconsin 516000, US, Email: [ymgroup@msn.com](mailto:ymgroup@msn.com).

## **II. APPLICABLE LAW AND JURISDICTION**

### **The .IN Domain Name Dispute Resolution Policy**

1. The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (“**INDRP**” or “**the Policy**”) which was adopted by the National Internet Exchange of India (**NIXI**) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name. By registering the domain name [crowdstrike.in](https://crowdstrike.in) with the NIXI accredited Registrar,





the Respondent agreed to resolving disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure posted on 16 September 2020 (“**the Rules**”) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996 (“**the Arbitration Act**”).

### **Filing of the Complaint and Constitution of the Arbitral Tribunal**

2. The Complainant filed a Complaint dated 24 February 2021 which was amended by a Complaint dated 17 March 2021 under the .IN Domain Name Dispute Resolution Policy against the Respondent, seeking the transfer of Domain Name [crowdstrike.in](https://crowdstrike.in) to the Complainant. On 26 March 2021, the .IN Registry sought the consent of Mr Robin Ratnakar David (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under Rule 5 (a) of the Rules, to act as Arbitrator in the said matter. On 27 March 2021, Mr. David, gave his consent along with the signed Statement of Acceptance and Declaration of Impartiality and Independence to act in the matter as Arbitrator as required by the Arbitration Act.
3. On 30 March 2021, the **Arbitral Tribunal** comprising of the said Mr. Robin Ratnakar David, Sole Arbitrator, was constituted under Rule 5 (b) of the Rules<sup>1</sup> in respect of the Complaint filed by CrowdStrike Inc. USA against the Respondent.
4. On 30 March 2021, the Arbitral Tribunal issued the **Notice of Arbitration** under Rule 5(c) of the Rules.



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<sup>1</sup> INDRP Rules of Procedure, Rule 5 (b) – The .IN Registry shall appoint an Arbitrator from the .IN Registry’s list and shall forward the Complaint along with supporting documents to such Arbitrator.

5. This Arbitral Tribunal has been constituted properly and in accordance with the Arbitration Act and the INDRP and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and the arbitrability of the dispute.

### **III. THE DOMAIN NAME, REGISTRAR & REGISTRANT**

1. The domain name which is the subject of the Complaint is [www.crowdstrike.in](http://www.crowdstrike.in) which was registered on 27 September 2017.
2. The said domain name is registered with the domain registrar Dynadot LLC having its address at 210 S Ellsworth Avenue #345 San Mateo, CA 94401, USA; Email: [info@dynadot.com](mailto:info@dynadot.com) / [accounts@dynadot.com](mailto:accounts@dynadot.com).
3. The Registrant is Feifei Doublefist Limited ([ymgroup@msn.com](mailto:ymgroup@msn.com)) having its address as A3 Jia Zhao Ye, JiangBei, Huicheng District, HuiZhou City, Guangdong Province, China and also at Feifei Doublefist Limited HuiZhou Wisconsin 516000, US, Email: [ymgroup@msn.com](mailto:ymgroup@msn.com).

### **IV. PROCEDURAL HISTORY**

1. On 30 March 2021, the Arbitral Tribunal issued the Notice of Arbitration by email to the Respondent with the Complaint under Rule 5(c) of the Rules. The Respondent was directed to file a Response, if any, in writing in opposition to the Complaint along with evidence in support of its stand or contention on or before 06 April 2021. In addition, the Complainant was directed to serve a hard copy and a soft copy of the Notice of Arbitration with the Complaint and annexures on the Respondent. On 30 March 2021 the Complainant, in compliance with the above said direction, sent a soft copy of the Notice of



Arbitration along with the Complaint and annexures to the Respondent. However, the same was undelivered. The hard copy of the Complaint with its annexures according to the Complainant could not be sent as the address given “is not a valid shipping address”. However, the soft copy sent by the Arbitral Tribunal was not returned as undelivered. Accordingly, the Complaint (including its annexure) was sent at the email address of the Respondent shown in the WHOIS details and the service on the Respondent was done in accordance with Rule 2 of the Rules. However, the Respondent did not file a response to the Complaint by 06 April 2021, the timeline set by the Arbitral Tribunal.

2. The Arbitral Tribunal granted the Respondent a second and final opportunity on 09 April 2021 in the interest of justice to file a response to the Complaint on or before 19 April 2021. It was also mentioned that in case a response is not filed by the Respondent in time, the Complaint will be determined by the Arbitral Tribunal after considering the Complaint and evidence on record in accordance with the law.
3. The Arbitral Tribunal received no response from the Respondent and has not been informed of any settlement between the parties. As aforementioned, the Respondent was served at its email address provided in the WHOIS details under directions dated 30 March 2021 and 09 April 2021. Thus, the Arbitral Tribunal finds that the Notice of Arbitration and the Complaint and annexures were duly served on the Respondent as required by Rule 2 of the Rules.
4. All emails from the Arbitral Tribunal were copied to the Complainant and the Respondent as well as NIXI.



5. The key procedural steps are summarised below:

No.	Date	Event
1.	26 March 2021	The .IN Registry sought the consent of the .IN Dispute Resolution Arbitrator to act in the matter as Arbitrator.
2.	27 March 2021	The Arbitrator gives his consent, along with a signed Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the Arbitration Act.
3.	30 March 2021	The Arbitral Tribunal was constituted.
4.	30 March 2021	The Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules by email with the Complaint and its annexures. The Complainant also directed to serve the Respondent with a hard and a soft copy, in addition. The Respondent was directed to file Response/Reply by 06 April 2021. The Notice of Arbitration and the Complaint (including annexures) was sent at the email address of the Respondent shown in the WHOIS details. The service on the Respondent was done in accordance with Rule 2 of the Rules.



5.	30/31 March 2021	The Complainant informs the Arbitral Tribunal that the Complaint (including annexures) was sent at the email address of the Respondent shown in the WHOIS details. The Complainant stated that hard copy of the Complaint could not be sent to the Respondent as the address provided is not a valid shipping address.
6.	06 April 2021	Response not filed by the Respondent.
7.	09 April 2021	The Respondent granted a second and final opportunity to file its Response/Reply by 19 April 2021 in the interest of justice. The email attaching the Complaint and annexures sent by the Arbitral Tribunal at the email address of the Respondent shown in the WHOIS details. The said email was not returned and service on the Respondent was duly done in accordance with Rule 2 of the Rules.
8.	19 April 2021	Response not filed by the Respondent.

## V. PARTIES' CONTENTION

### The Complainant

1. The Complainant states it is a company founded in 2011 and provides malware protection and prevents breaches for its clients, who include banks and companies. Complainant claims to own the trademark "**CROWDSTRIKE**" in India as under:





Trademark	Registration No.	Date of Application	Country of Registration	Class	Status
<b>CROWDSTRIKE</b>	2358401	04 July 2012	India	9, 42, 45	Registered

2. Complainant alleges that the CROWDSTRIKE mark is associated with its services and goods and owns trademark registrations for the **CROWDSTRIKE** Marks in different countries worldwide as under:

Trademark	Jurisdiction	Registration No.	Registration Date	Class
<b>CROWDSTRIKE</b>	EU	011019197	04.12.2012	9, 42 and 45
<b>CROWDSTRIKE</b>	USA	4336365	14.05.2013	9, 42 and 45
<b>CROWDSTRIKE</b>	USA	4664091	30.12.2014	45
<b>CROWDSTRIKE</b>	Canada	TMA 899234	19.03.2015	9, 42 and 45

3. The Complainant also owns the domain names [www.crowdstrike.com](http://www.crowdstrike.com) and [www.crowdstrike.org](http://www.crowdstrike.org) which are its primary websites registered on 07 June 2010 and 12 July 2011 respectively. Complainant claims to have a global presence and owns over 400 domain names worldwide in connection with its services. The Complainant claims to have a strong internet presence through its above-mentioned websites and in the social media through Twitter.
4. The Complainant states that the disputed domain name [www.crowdstrike.in](http://www.crowdstrike.in) was created on 27 September 2017 by the Respondent. It is identical to the Complainant's trademark **crowdstrike** and the domain names **crowdstrike.com** and **crowdstrike.org**. The dominant and distinctive feature of the disputed

domain name is the incorporation of the Complainant's entire trademark, with the addition of only the top-level country-code domain for India .IN.

7. The Complainant states that the Respondent has no legitimate rights or interests in the disputed domain name [crowdstrike.in](https://crowdstrike.in) which is registered and used in bad faith. The Complainant alleges that the Respondent must have been aware of the Complainant's trademark when it registered the disputed domain name and is using it to redirect internet users to a website listing links to third-party websites (Pay-Per-Click), most of which directly reference or compete with the Complainant's industry and business. The Complainant prays for a ruling that the disputed domain name [crowdstrike.in](https://crowdstrike.in) be transferred to Complainant.
8. The Complaint alleges that the disputed domain name is identical and or confusingly similar to the trademark/ service mark/trade name of the Complainant as the disputed domain name was registered merely 13 days after the Complainant announced that it was expanding its operations in India as the ccTLD may add to the confusing similarity with that of the Respondent. The Complainant has filed a press release dated 14 September 2017 (at page 67 of the annexures) stating that "CrowdStrike Expands Operations and Leadership Team in India and SAARC". The Complainant relied upon *Singapore Airlines Ltd. vs. Wang Liqun, INDRP/ 1227 (June 29, 2020)* which holds that a consumer or internet user seeking to access the Complainant or its services by erroneously or inadvertently suffixing the "second level" domain namely SINGAPOREAIR with the ccTLD .IN would be misled to the Respondent.
9. The Complainant contended that the Respondent has no rights or legitimate interests in respect of the domain name as the Respondent is not commonly known by the disputed domain name. The Respondent has not applied for registration of mark CROWDSTRIKE or any similar mark and the Complainant



has not licensed or permitted the Respondent to register domain names incorporating the Complainant's trademark.

10. The Complainant has contended that the Respondent has registered the disputed domain name in bad faith as at the time of registration of the disputed domain name, the Respondent knew or at least had knowledge about the existence of the Complainant's trademark. The registration of domain names containing well-known trademarks constitutes bad faith *per se*. The Complainant contends that the timing of the registration of the disputed domain name 13 days after the Complainant's announcement of expansion in India makes it highly likely that the domain name was registered to target the Complainant and its registered brand name. The Complainant relied on *Sota vs. Waldron, D2001-0351 (WIPO June 18, 2001)* wherein it was held that the Respondent's registration of the <sevballestrostrophy.com> domain name at the time of announcement of the Seve Ballesteros Trophy Golf Tournament "strongly indicates an opportunistic registration".
11. It is contended that by registering a domain solely with the Complainant's trademark, the Respondent has created a likelihood of confusion with the Complainant and its trademarks. It is alleged that the Respondent has acted with a nefarious intent to capitalize on the fame and goodwill of the Complainant's trademarks to increase traffic to the Disputed Domain Name's website for Respondent's pecuniary gain. According to the Complainant, this is evinced by the presence of multiple pay-per-click links posted to Respondent's website. It is alleged that most of the links reference the services offered by Complainant and redirect users to the Complainant. It is alleged that the Complainant is indirectly paying Respondent to redirect traffic that should rightfully come to it in the natural course. The Complainant to support its allegation that Respondent uses a confusingly similar domain name to resolve to a website featuring links to third-party websites that create revenue for the



Respondent relies on *WhatsApp Inc. v. Warrick Mulder*, INDRP/1233 (Jul. 22, 2020) where the Panel finds bad faith “is evidenced by the presence of multiple PPC links posted to Respondent’s website”. The Complainant draws the attention of the Arbitral Tribunal to Annexure F-1 at pages 51 and 52 showing a screenshot of Disputed Domain Name’s website which indicates that the same is for sale.

12. It is alleged that the Respondent currently holds registrations for several other domain names that misappropriate the trademarks of well-known brands and businesses. Complainant contends that the Respondent is engaging in a pattern of cybersquatting/typosquatting, is evidence of bad faith registration and use of the Disputed Domain Name. Further in *Yale University v. Domain Holding Corp. AS and Eric Keller*, D2013-1404 (WIPO, Sep. 26, 2013) the Panel dealing with a case where the Respondent had an undisputed history as a serial cybersquatter, ruled that Respondent has registered and used the Domain Name in bad faith. Complainant also relied on *Skyscanner Limited v. Artem Ponomarev*, INDRP/1218 (May 14, 2020) which showed that respondent’s mail address is matched against a number of domain names containing various famous trademarks or deliberate misspellings and the Respondent is involved in cyber-squatting by registering domain names containing well known trademarks and thereby making illegal benefits. The Complainant cited the following examples of cybersquatting/typosquatting by Respondent:

- a) <accorhotels.co.in> (Accor – ACCORHOTELS)
- b) <alexanderwang.co.in> (AW Licensing LLC – ALEXANDER WANG)
- c) <ally.co.in> (Ally Financial Inc. – ALLY)
- d) <astonmartin.co.in> (Aston Martin Lagonda Limited – ASTON MARTIN)
- e) <britishairways.co.in> (British Airways Plc – BRITISH AIRWAYS)



13. It is stated that Respondent intends to sell, rent or otherwise transfer the Disputed Domain Name for valuable consideration in excess of his out-of-pocket expenses. Complainant relied on the website which states that the Disputed Domain Name is offered for sale and Respondent's e-mails demanding payment from Complainant in exchange of the Disputed Domain Name. Complainant urged that seeking to profit from the sale of a confusingly similar domain name that incorporates a third party's trademark demonstrates bad faith. The Complainant relied on *Singapore Airlines Limited v. Wang Liquan*, INDRP/1227 (Jun. 29, 2020) which returned a finding of bad faith where the Respondent's only interest in the disputed domain name is to derive illegal money from its sale and *American Home Products Corporation vs. Mac Laboratories Pvt. Ltd.*, wherein, at AIR 1986 SC 136, such practices were considered a "cardinal sin" of Trade Mark law.
14. It is asserted that from November 13, 2020, the Complainant sent Cease and Desist letters to the Respondent stating that the unauthorized use of the CROWDSTRIKE trademark within the Disputed Domain Name violated the Complainant's rights and requested voluntary transfer of the same. Respondent eventually replied, recognizing their trademark infringement but refusing to cooperate with Complainant, instead requesting payment in exchange of the Disputed Domain Name. Complainant relied on to *Encyclopedia Britannica v. Zuccarini*, D2000-0330 (WIPO June 7, 2000) which states that failure to positively respond to a demand letter provides "strong support for a determination of 'bad faith' registration and use".
15. It is asserted that that the Respondent knew of and targeted Complainant's trademark reliance was placed on *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, D2014-1754 (WIPO Jan 12, 2014) where the Panel makes its finding regarding bad faith registration by asking whether it is more likely than not from the record of the evidence in the proceeding that





Respondent had the ELECTRIC FOOTBALL trademark in mind when registering the Domain Name.

### **The Respondent**

1. The Respondent has neither filed any response to the Notice of Arbitration dated 30 March 2021 and notice dated 09 April 2021 nor a reply to the contentions of the Complainant even though the Respondent has been served in accordance with the Rules. However, the Respondent's default would not automatically result in a decision in favour of the Complainant. The Supreme Court in *Sudha Agrawal v X Additional District Judge and others* (1996) 6 SCC 332 held that even in an uncontested matter the petitioner's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Therefore, the Complainant must still establish each of the three elements required by paragraph 4 of the Policy.

## **VI. DISCUSSIONS AND FINDINGS**

1. A Complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements required by Paragraph 4 of the Policy<sup>2</sup> namely:
  - a) The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.
  - b) The Respondent has no rights or legitimate interests in respect of the domain name; and

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<sup>2</sup> 4. Class of Disputes

4. Class of Disputes: Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- (a) the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) the Registrant's domain name has been registered or is being used in bad faith.



- c) The Respondent's domain name has been registered or is being used in bad faith.

2. Accordingly, the Arbitral Tribunal shall deal with each of the elements as under:

- a) **The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights.**

- (i) The Complainant is the registered proprietor of the trademark "**CROWDSTRIKE**" by Application No. 2358401 dated 04 July 2012 with the Government of India under Class 9, 42 and 45. The Complainant also obtained trademark registrations for the mark **CROWDSTRIKE** in EU in 2012, USA in 2013 & 2014 and in Canada in 2015. The Complainant owns domain names **www.crowdstrike.com** and **crowdstrike.org** on 07.06.2010 and 12.07.2011 respectively. The trademark **CROWDSTRIKE** has been used by the Complainant since 2012. The Complainant owns domain names with its brand **CROWDSTRIKE** in several countries. A careful consideration of the Trademark registrations and extracts of the WHOIS records filed by the Complainant establish that the Complainant owns and holds intellectual property rights in the name, trademark and brand **CROWDSTRIKE** in India and other jurisdictions and the domain names **crowdstrike.com** and **crowdstrike.org**.

- (ii) A visual comparison of the disputed domain name **crowdstrike.in** of the Respondent with the Complainant's name, trademark, brand **CROWDSTRIKE** and the domain names **crowdstrike.com** and **crowdstrike.org**, demonstrate that "**CROWDSTRIKE**" is entirely contained in the disputed domain name of the Respondent.



Further, the dominant and distinctive feature of the disputed domain name is the incorporation of the Complainant's trademark and brand name in its entirety.

- (iii) In *Yahoo! Inc. v Akash Arora & Anr.* (1999 PTC (19)210 Delhi), the Hon'ble Delhi High Court enjoined the use of domain name 'yahooindia.com' in a suit filed by Yahoo! Inc., the owner of the trademark "Yahoo" and the domain name <yahoo.com> by holding that defendant's domain name incorporated the plaintiff's name in its entirety and was deceptively similar and could be perceived as being that of the Plaintiff's. In *eBay, Inc v. Progressive Life Awareness Network*, WIPO Case No. D2001-0068, the UDRP returned a finding that the domain name <gayebay.com> incorporated the Complainant's mark "ebay" in its entirety which is confusingly similar to Complainant's mark.
- (iv) The registered trademark "**CROWDSTRIKE**" and the domain names <crowdstrike.com> and <crowdstrike.org>, are distinctive and the Respondent's domain name "**CROWDSTRIKE.IN**" bears the Complainant's registered trademark "**CROWDSTRIKE**" in its entirety. Considering the similarity between the Complainant's trademark and domain name "**CROWDSTRIKE**" and the disputed domain name "**crowdstrike.in**" of the Respondent, the Arbitral Tribunal finds that an average consumer would be led to believe that the Complainant and the Respondent and/or the disputed domain name are related. After taking into consideration the facts of the present case and the settled law on the issue, the Arbitral Tribunal finds that the disputed domain name crowdstrike.in is identical and confusingly similar to the Complainant's registered trademarks "**CROWDSTRIKE**" and as also to the domain names –



<crowdstrike.com> and <crowdstrike.org>. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy paragraph 4(a) is satisfied.

**b) The Registrant has no rights or legitimate interests in respect of the domain name**

- (i) To pass muster under paragraph 4(b) of the Policy, the Complainant has to show that the Respondent has no rights to and legitimate interests in the disputed domain name under paragraph 6 of the Policy.
- (ii) According to paragraph 3<sup>3</sup> of the Policy, it is the obligation of the Respondent (registrant) to provide complete and accurate particulars and find out before registration that the domain name intended for registration does not violate the rights of any third party. A bare perusal of the address provided by the Respondent in the WHOIS details reveals that the address is incorrect and misleading. The Complainant has been able to establish that the Complainant and its trademark, service mark and brand name have been in use since 2011 and is commonly known by the name 'CROWDSTRIKE' and that it owns and holds intellectual property rights in the name, trademark and brand name in India and other

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<sup>3</sup> Paragraph 3 of the INDRP:

**3. Registrant's Representations**

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

- (a) the credentials furnished by the Registrant for registration of domain name are complete and accurate;
- (b) to the knowledge of registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;
- (c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and
- (d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations.



jurisdictions. Further, the Complainant owns the domain names [<crowdstrike.com>](http://crowdstrike.com) and [<crowdstrike.org>](http://crowdstrike.org) and has a global presence. However, the disputed domain name [www.crowdstrike.in](http://www.crowdstrike.in) was created on 27 September 2017 by the Respondent by deliberately providing incorrect credentials of the Respondent. Further, the Respondent has not made any demonstrable preparations for the use of the disputed domain name, the Respondent was not known by the disputed domain name. The disputed domain name is being used by the Respondent to redirect internet users to a website listing links to third party websites (Pay-Per-Click), most of which directly reference or compete with the Complainant's industry and business. The Respondent is not commonly known by the disputed domain name, and this evinces the absence of legitimate interests.

Further, when the Complainant sent Cease and Desist letters to the Respondent, it refused to cooperate with Complainant and sought for payment in exchange of the Disputed Domain Name, this conduct of the Respondent supports the Claimants contention of lack of legitimate interest. Therefore, the disputed domain name is clearly hit by paragraph 6 of the Policy.

- (iii) Accordingly, the Arbitral Tribunal finds that the Complainant has made a prima facie case that the Respondent has no rights and legitimate interests in respect of the disputed domain name [www.crowdstrike.in](http://www.crowdstrike.in) and has satisfied the second element under paragraph 4 (b) of the Policy.

- c) **The Registrant's domain name has been registered or is being used in bad faith**





- (i) The Complainant has urged that the timing of the registration of the disputed domain name merely 13 days after the Complainant's announcement of expansion in India makes it highly likely that the domain name was registered to target the Complainant and its registered brand name. The record (page 67 of the documents) shows a press release issued by Complainant dated 14 September 2017 with the headline "CrowdStrike Expands Operations and Leadership Team in India and SAARC", the disputed domain was registered on 27 September 2017. The Complainant relied on *Severiano Ballesteros Sota vs. Patrick Waldron, D2001-0351* wherein it was held that the Respondent's registration of the domain name at the time of an announcement of strongly indicates an opportunistic registration. The facts of the case indicate that the Respondent knew of the Complainant and registered the disputed domain name crowdstrike.in only a few days after the Complainant issued a press release announcing the expansion of its operations in India and SAARC in an opportunistic manner. A similar view was taken in *Valvoline Licencing and Intellectual Property LLC v. Jau Khan* WIPO Case No. D2018-1486.
- (ii) A perusal of the record relied on by the Complainant, 'Annexure-F' at pages 51 and 52 of the documents, shows that crowdstrike.in *may be for sale* with an inquiry form seeking offers for the sale of the domain name.
- (iii) A careful examination of the documents filed by the Complainant Annexure L at pages 86 to 101 to show the respondents in the present case the Complainant has established that in addition to the Disputed Domain Name, the Respondent currently holds registrations for several other domain names that misappropriate



the trademarks of well-known brands and businesses. In *Yale University v. Domain Holding Corp. AS and Eric Keller*, D2013-1404 (WIPO, Sep. 26, 2013) and *Skyscanner Limited v. Artem Ponomarev*, INDRP/1218 (May 14, 2020) the Panels noted that respondent's mail address is matched against a number of domain names containing various famous trademarks and the respondent is involved in cyber-squatting by registering domain names containing well known trademarks and thereby making illegal benefits.

- (iv) It is evident that the Respondent knew of and targeted Complainant's trademark and Respondent has registered and used the Disputed Domain Name in bad faith. The case cited by the Complainant namely *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, D2014-1754 (WIPO Jan 12, 2014) has been considered by *Valvoline Licencing and Intellectual Property LLC v. Jau Khan* WIPO Case No. D2018-1486 based on the balance of facts set forth above and the latitude of the trademark, it is more likely than not that the Respondent knew of and targeted that Complainant's trademark and Respondent should be found to have registered and used the disputed domain name in bad faith.
- (v) Further the use of the term 'CROWDSTRIKE' in its entirety in the disputed domain name [www.crowdstrike.in](http://www.crowdstrike.in) is an intentional attempt to attract Internet users to its website by creating a likelihood of confusion with the Complainant's trademark and website to infringe and violate the rights of the Complainant and is therefore a clear violation of paragraph 7(c) of the Policy.



- (vi) Considering the findings above, Arbitral Tribunal holds that the Respondent's domain name [www.crowdstrike.in](http://www.crowdstrike.in) has been registered and is being used in bad faith. Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

## VII. DISPOSITIONS

The Arbitral Tribunal holds that the Respondent's domain name [www.crowdstrike.in](http://www.crowdstrike.in) is identical and confusingly similar to the name, trademark and brand name "CROWDSTRIKE" owned by the Complainant. The Respondent has no rights or legitimate interests in the domain name [www.crowdstrike.in](http://www.crowdstrike.in) and the same has been registered in bad faith. The three elements set out in paragraph 4 of the INDRP Policy have been established by the Complainant.

Accordingly, and in terms of the .INDRP Policy, the Arbitral Tribunal hereby directs that the disputed domain name [www.crowdstrike.in](http://www.crowdstrike.in) be transferred to the Complainant, namely Crowdstrike Inc, having its address at 150 Mathilda Place, Suite 300, Sunnyvale, California 94086 United States of America.

Place: New Delhi  
Date: 18<sup>th</sup> May 2021



**Robin Ratnakar David**  
Sole Arbitrator  
The Arbitral Tribunal