

ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. Domain Admin, Whoisprotection.cc /
dysolo Moli, GNNS
Case No. D2022-3163

1. The Parties

The Complainant is Syngenta Participations AG, Switzerland, internally represented.

The Respondent is Domain Admin, Whoisprotection.cc, Malaysia / dysolo Moli, GNNS, Singapore.

2. The Domain Name and Registrar

The disputed domain name <syngentair.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2022. On August 26, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 27, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 30, 2022, 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 amendment to the Complaint on August 30, 2022.

The Center verified that the Complaint together with the amendment to the 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 September 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 26, 2022.

The Center appointed Jonathan Agmon as the sole panelist in this matter on October 3, 2022. 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

The Complainant is a global science-based Agri-tech company with 30,000 employees in 90 countries. The Complainant's business is aimed at increasing crop productivity, protecting the environment and improving health and quality of life. The Complainant's products include agrochemicals for crop protection as well as vegetable and flower seeds.

The Complainant is the trademark owner of SYNGENTA in numerous jurisdictions, including but not limited to:

- International Trademark Registration No. 732663, registered on March 8, 2000;
- United States of America Trademark Registration No. 3,036,058, registered on December 27, 2005;
- Malaysian Trademark Registration No. 99012339, registered on December 7, 1999;
- Malaysian Trademark Registration No. 99012506, registered on December 9, 1999;
- Malaysian Trademark Registration No. 99012329, registered on December 7, 1999;
- Malaysian Trademark Registration No. 00000151, registered on January 7, 2000.

The Complainant states that it is also the owner of numerus domain names, including but not limited to, <syngenta.com>, <syngentaus.com>, <syngenta.co>, <syngenta-us.com> and <syngentagroup.com>.

The disputed domain name was registered on July 13, 2022. It resolved to an active website with third party Pay-Per-Click ("PPC") links to online betting and gambling apps.

5. Parties' Contentions

A. Complainant

The Complainant's contentions include the following:

The Complainant argues that the disputed domain name is confusingly similar to the Complainant's registered SYNGENTA mark as the disputed domain name wholly incorporates the SYNGENTA mark and the suffix "ir" along with a generic Top-Level Domain ("gTLD") ".com", which are insufficient to avoid confusing similarity.

The Complainant also argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name as it has not licensed or permitted the Respondent to use its trademark.

The Complainant further argues that the disputed domain name was registered and is being used in bad faith for illegitimate commercial gain by creating a likelihood of confusion with the Complainant's SYNGENTA mark and thereby disrupting the business of the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The disputed domain name integrates the Complainant's SYNGENTA mark in its entirety, in addition to the suffix "ir". Even though there are several possible meanings for "ir", including a geographical abbreviation for Iran (Islamic Republic of), or an acronym for Incidence Response or Investor Relations, etc., it is well established that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8. The Complainant's mark in the front of the disputed domain name is clearly recognizable in the disputed domain name.

Further, it is well established that the addition of the gTLD ".com", as a standard registration requirement, is disregarded under the first element confusing similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the Complainant establishes a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see [WIPO Overview 3.0](#), section 2.1).

In the present case, the Complainant has demonstrated *prima facie* that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it owns trademark registrations long before the disputed domain name was registered and that it is not affiliated with nor has it licensed or otherwise permitted the Respondent to use the Complainant's trademark (see *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)).

There is also no evidence on record showing that the Respondent is commonly known by the disputed domain name (see [WIPO Overview 3.0](#), section 2.3). Moreover, the disputed domain name resolves to a website with third party PPC links offering online gambling apps, which does not constitute a legitimate noncommercial use or a *bona fide* offering of goods or services (see [WIPO Overview 3.0](#), section 2.9).

Further, the Respondent did not submit a Response in the present case and did not provide any explanation or evidence to show rights or legitimate interests in the disputed domain name sufficient to rebut the Complainant's *prima facie* case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the Respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may

evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant has submitted evidence showing that the disputed domain name redirects to an active website providing PPC links for online gambling and gambling apps. It is well established that the use of a domain name for such purposes to attempt to attract Internet users for commercial gain constitutes bad faith conduct under paragraph 4(a)(iii) of the Policy. Similarly, the Panel finds that the use of the disputed domain name in the present case constitutes evidence of bad faith registration and use.

Further, the disputed domain name is confusingly similar to the Complainant's SYNGENTA mark, which the Panel finds is an attempt by the Respondent to confuse and/or mislead Internet users seeking or expecting the Complainant. Previous UDRP panels ruled that in such circumstances "a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's site" (see *Edmunds.com, Inc v. Triple E Holdings Limited*, WIPO Case No. [D2006-1095](#)). To this end, prior UDRP panels have established that attracting Internet traffic, for commercial gain, by using a domain name that is identical or confusingly similar to a registered trademark may be evidence of bad faith under paragraph 4(b)(iv) of the UDRP. The Panel finds that the registration and use of the disputed domain name in this case falls into paragraph 4(b)(iv) of the UDRP.

The Respondent also did not submit a Response in this proceeding. This may be a further indication of the Respondent's bad faith, which was considered by the Panel.

Based on the evidence presented to the Panel, including the registration of the disputed domain name after the registration of the Complainant's trademark, the confusing similarity between the disputed domain name and the Complainant's trademark, the Respondent's use of the disputed domain name, and the failure of the Respondent to submit a response, the Panel draws the inference that the disputed domain name was registered and is being used in bad faith.

Accordingly, having regard to the circumstances of this particular case, the Panel finds that the Complainant has met its burden under paragraph 4(a)(iii) 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 <syngentair.com> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: October 17, 2022