

ADMINISTRATIVE PANEL DECISION

Synopsys, Inc. v. Whois Privacy Protection Foundation, Hosting Concepts BV
d/b/a Registrar.eu

Case No. D2023-1875

1. The Parties

The Complainant is Synopsys, Inc., United States of America (“United States”), represented by Hogan Lovells (Paris) LLP, France.

The Respondent is Whois Privacy Protection Foundation, Hosting Concepts BV d/b/a Registrar.eu, Netherlands.

2. The Domain Name and Registrar

The disputed domain name <synoqsys.com> (the “Domain Name”) s registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2023. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 28, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (WhoisSecure) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 2023, 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 May 4, 2023.

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 May 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 31, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 7, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is engaged in electronic design automation. It provides solutions for designing and verifying silicon chips, and the processes and models required to manufacture those chips. The Complainant is a publicly traded company, employing over 16,000 employees with over USD 5 billion in revenue in 2022.

The Complainant has several trademark registrations for SYNOPSIS in jurisdictions throughout the world, such as Australian Trademark Registration No. 607361 registered on July 22, 1993, and European Union Trademark No. 000181172 registered on February 1, 1999. The Complainant has registered numerous domain names consisting of or including its SYNOPSIS trademark, such as <synopsys.com>. The Complainant is active on various social media platforms, for example LinkedIn, Facebook and Twitter.

The Domain Name was registered on July 28, 2022. At the time of drafting the Decision, the Domain Name resolved to an error page.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Domain Name incorporates a close variation of the Complainant's trademark, altered only by the replacement of the letter "p" by the letter "q". The misspelling of the Complainant's trademark does not prevent a finding of confusing similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent reproduces a misspelling of the Complainant's trademark in the Domain Name without authorization. The Respondent has not been commonly known by the Domain Name. The Respondent has not provided any evidence of *bona fide* use of, or demonstratable preparations to use, the Domain Name in connection with any legitimate offering of goods or services. The Domain Name resolves to an inactive web page. The non-use of a domain name does not amount a *bona fide* offering of goods or services or any other legitimate noncommercial or fair use of the domain name. The visual similarity between the Domain Name, the Complainant's official domain name <synopsys.com> and the SYNOPSIS trademark, results in a risk of implied affiliation with the Complainant.

The Complainant argues that the Respondent could not credibly argue that it did not have prior knowledge of the Complainant's trademarks at the time of registration of the Domain Name. The non-use of the Domain Name does not prevent a finding of bad faith use under the doctrine of passive holding. The Complainant's trademark is well known internationally. The Respondent has not submitted any *bona fide* intent in relation to the Domain Name. The Respondent's details have been concealed in the Whois record. Finally, due to the composition of the Domain Name, the Domain Name carries a risk of implied affiliation with the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in the trademark SYNOPSIS. The Domain Name is identical to the Complainant's trademark, save the replacement of the letter "p" by the letter "q". The misspelling does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"); see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. While 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 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. See [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 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 Domain Name.

The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or 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. The non-use of a domain name does not amount to use in connection with any *bona fide* offering of goods or services or any other legitimate noncommercial or fair use of the domain name.

Based on the available record, 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, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The composition of the Domain Name and the fame of the Complainant's trademark makes it probable that the Respondent was aware the Complainant and its prior rights when the Respondent registered the Domain Name. The non-use of the Domain Name does not prevent a finding of bad faith. The Complainant's trademark is well known. The Respondent has not submitted any *bona fide* intent in relation to the Domain

Name. The Respondent's details have been concealed in the Whois record. Finally, due to the composition of the Domain Name itself, the Domain Name carries a risk of implied affiliation with the Complainant.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <synoqsys.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: June 16, 2023