

## **ADMINISTRATIVE PANEL DECISION**

Syngenta Participations AG v. lucas gnat  
Case No. D2023-3863

### **1. The Parties**

The Complainant is Syngenta Participations AG, Switzerland, represented by Michelle O'Neil, United States of America.

The Respondent is lucas gnat, France, self-represented.

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

The disputed domain name <syngenta.site> (the "Disputed Domain Name") is registered with Ligne Web Services SARL (the "Registrar").

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 15, 2023. On September 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 18, 2023, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 18, 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 amendment to the Complaint on the same day.

On September 18, 2023, the Center sent an email communication regarding the language of the proceeding in English and French. The Complainant submitted a request to proceed in English on the same day. The Respondent did not submit any response to the Center's communication.

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 both in English and French, and the proceedings commenced on September 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2023. A Response was filed with the Center on October 3, 2023. On October 10, 2023, the Center sent an email communication to the Parties informing them of the possibility to explore settlement options. On October 11, 2023, the Complainant replied by asking the Respondent whether it would be willing to sign a settlement agreement. On October 20, 2023, the Center informed the Parties that it would proceed to appoint the Administrative Panel.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on October 24, 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 Rules, paragraph 7.

#### **4. Factual Background**

The Complainant, Syngenta Participations AG, is a science-based AgriTech company based in Switzerland.

The Complainant is the holder of various registered trademarks, including the following:

- SYNGENTA, international trademark registered on March 8, 2000, with registration number 732663 in classes 1, 2, 5, 7, 8, 9, 10, 16, 29, 30, 31, 32, 35, 36, 41, and 42.

The Complainant is the holder of several domain names including:

<syngenta.com><syngenta.fr>

The Disputed Domain Name was registered on July 29, 2023. According to the Complainant's evidence, the Disputed Domain Name redirected to the domain name <bbgate.com>, which resolves to a website appearing to include information and a forum related to drugs, chemicals and equipment. The Panel observes that the Disputed Domain Name currently resolves to an inactive web page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant considers the Disputed Domain Name to be identical to trademarks in which it claims to have rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. According to the Complainant, the Respondent has no affiliation with the Complainant nor is the Respondent authorized to use the Complainant's registered trademark.

Finally, the Complainant considers that the Disputed Domain Name was registered and being used in bad faith. The Complainant claims that the Disputed Domain Name was being used to drive traffic to a website dedicated to the illegal narcotics trade; that it is unlikely that the Respondent would not be aware of the Complainant's business; that the Respondent registered and used the Disputed Domain Name to create a likelihood of confusion in an attempt to attract commercial gain; that the presence of MX records raises the possibility that the Disputed Domain Name could have been used for fraudulent email communication; and that the Respondent's failure to provide complete name, contact and address details in the Whois search for the Disputed Domain Name provides further evidence of bad faith.

## **B. Respondent**

The Respondent claims that the Disputed Domain Name was bought with the Respondent's account by someone the Respondent doesn't know and has been misused.

The Respondent consents to the remedy requested by the Complainant and agrees to transfer the Disputed Domain Name to the Complainant.

## **6. Discussion and Findings**

### **6.1. Preliminary Procedural Issue: Language of proceedings**

Pursuant to the Rules, paragraph 11, in the absence of an agreement between the parties, or specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise.

According to information received from the concerned Registrar, the language of the registration agreement for the Disputed Domain Name is French. The Complaint has been submitted in English.

UDRP panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include:

- evidence showing that the respondent can understand the language of the complaint;
- potential unfairness or unwarranted delay in ordering the complainant to translate the complaint;
- other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement.

In the present case, the Panel observes that according to the Complainant's evidence, the Disputed Domain Name used to resolve to a website in English. Moreover, the Response was filed in English.

For these reasons and given the circumstances of this case as further explained below, the Panel determines that the language of the proceedings is English.

### **6.2. Substantive elements of the Policy**

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the Disputed Domain Name. As the UDRP proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

(i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) the Disputed Domain Name has been registered and is being used in bad faith.

The Panel finds that, on the balance of probabilities, the Complainant has established all three substantive elements of the Policy. In addition, the Panel does not need to make extensive findings in this regard as it notes that where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the Center's Standard Settlement Form, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent (see section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

In the present case, the Panel observes that the Respondent expressly agreed to the transfer of the Disputed Domain Name in his Response of October 3, 2023. The Panel finds that such consent is sufficient to order the transfer of the Disputed Domain Name to the Complainant (see *Nutri/System, IPHC, Inc. v. Texas International Property Associates*, WIPO Case No. [D2007-0864](#)).

## 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 <syngenta.site> be transferred to the Complainant.

*/Flip Jan Claude Petillion/*

**Flip Jan Claude Petillion**

Sole Panelist

Date: November 7, 2023