

## **ADMINISTRATIVE PANEL DECISION**

Syngenta Participations AG v. Liu Fen  
Case No. D2024-0825

### **1. The Parties**

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

The Respondent is Liu Fen, China.

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

The disputed domain name <syngenta.store> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 23, 2024. On February 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 March 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 5, 2024.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on April 10, 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

The Complainant is a global Agtech company with 30,000 employees in 90 countries. Its products include agrochemicals for crop protection as well as vegetable and flower seeds.

The Complainant registered the trademark SYNGENTA world-wide in 1999, and has many trademark registrations including International Trademark SYNGENTA, Registration No.732663 in classes 01, 02, 05, 07, 08, 09, 10, 16, 29, 30, 31, 32, 35, 36, 41, and 42, as of March 8, 2000 with designations inter alia in Iceland, Germany, China, the Russian Federation, and Viet Nam among many others. The Complainant has also registered SYNGENTA in numerous jurisdictions as national marks, including in the United States of America, Registration No. 3036058, registered on December 27, 2005, for goods in numerous classes including chemicals used in science, antibiotics, fungicides, and agricultural products of various kinds.

The Complainant also owns many domain names including: <Syngenta.com>, <Syngentadigitalapps.com>, <Syngenta.com.au>, <syngenta.fr>, <Syngenta-US.com>, <Syngenta.cn>, <Syngenta.co>, <Syngenta.co.uk>, <Syngenta.de>, <Syngenta.ru>, and <Syngenta.vn>.

The disputed domain name was registered on December 21, 2023, and is offered for sale online.

#### 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 says that the extension ".store" is not considered part of the assessment when determining if a name is confusingly similar, and since the disputed domain name is simply a replication of its trademark SYNGENTA, it is clearly confusingly similar.

The Complainant also asserts that the Respondent has no affiliation with it nor is the Respondent authorized to use the Complainant's registered trademark. The Complainant points out that the disputed domain name is resolving to a "for sale" page on the website, Dan.com.

The Complainant contends that it is difficult to believe that the Respondent would not be aware of Syngenta at the time of the domain name registration. It says that Syngenta's prominence, particularly in China, has grown significantly since 2017 when ChemChina completed the purchase of Syngenta, representing the biggest Chinese foreign takeover up to that point. The Complainant points out that this deal was widely reported around the world, including outlets such as xinhuanet.com, China Daily, and Reuters. More generally, Syngenta continues to be in the news.

The Complainant establishes that the Respondent is offering the domain name on Dan.com for a listed price of \$1,450, which is slightly below the cost of filing an UDRP Complaint, but significantly higher than a standard registration in the ".store" extension. The Complainant maintains that according to the GoDaddy website, a ".store" domain name can be purchased for less than USD 2.

The Complainant contends that by registering the globally known trademark as a ".store," the Respondent is creating confusion because the public could reasonably assume the website, "www.Syngenta.store", is a legitimate place to search out and procure the Complainant's products. As such, the Complainant contends that the disputed domain name is not being used in a bona fide offering of goods or services or a legitimate noncommercial or fair use but is rather bad faith registrations in violation of the UDRP paragraphs 4(iv); Rules, paragraph 3(b)(ix)(3).

The Complainant further asserts that bad faith can be found in cases where the Respondent has attempted to sell a domain name which includes a well-known trademark. The Complainant points to the fact that Liu Fen, the underlying registrant for the disputed domain name, is listed as the Respondent in numerous similar

UDRP complaints which include TEVA and Lego. In each of these cases, the Complainant's trademark was registered in a domain name that was subsequently offered for sale. The Complainant points out that a pattern of abusive registrations by the Respondent is an indicator of bad faith (as per the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 3.1.1).

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy ([WIPO Overview 3.0](#), section 1.2.1).

The entirety of the trademark is reproduced within the disputed domain name, and that without any modifications or additions. Accordingly, the disputed domain name is identical to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

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 available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not advanced any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Respondent has no affiliation with the Complainant and no authorization to use the SYNGENTA trademark was ever given to the Respondent in any form. There is no indication that the Respondent is known by the disputed domain name or the term "Syngenta" or has any legitimate claim to the term. There is nothing before the Panel to indicate use or preparations for use of the disputed domain name for a legitimate purpose. In fact, the disputed domain name is being offered for sale for a sum well above out-of-pocket expenses.

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.

In the present case, the Panel notes that the Respondent has not established a website in relation to the disputed domain name but has in fact offered the latter for sale online for a price in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name that would undoubtedly generate a considerable profit. This makes it even less likely that the Respondent was not aware of the Complainant's rights in the very distinctive and widely known SYNGENTA mark at the time of registration of the disputed domain name. In any case, on the evidence material presented to the Panel, it appears that the Respondent has engaged in a pattern of similar conduct in relation to distinctive trademarks to which considerable goodwill attaches.

The Panel 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 <syngenta.store> be transferred to the Complainant.

*/William A. Van Caenegem/*

**William A. Van Caenegem**

Sole Panelist

Date: April 24, 2024