

ADMINISTRATIVE PANEL DECISION

Synopsys, Inc. v. Privacy Service Provided by Withheld for Privacy ehf / Paul Packer, Paulpacker Ltd
Case No. D2022-0154

1. The Parties

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

Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Paul Packer, Paulpacker Ltd, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <synopsys.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2022. On January 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 18, 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 Complainant on January 20, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 21, 2022.

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 Respondent of the Complaint, and the proceedings commenced on February 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 24, 2022.

The Center appointed Gabriel F. Leonardos as the sole panelist in this matter on March 1, 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

Complainant, Synopsys, Inc., provides solutions for designing and verifying advance silicon chips, and for designing the next-generation processes and models required to manufacture those chips. Complainant is a publicly traded company with over 16,000 employees and with a revenue evaluated over USD 4 billion in 2021. Further relevant information about Complainant and its business can be found at Complainant's website "www.synopsys.com".

Complainant owns several trademark registrations for SYNOPSYS in a variety of jurisdictions. Below are some examples of Complainant's trademark registrations in the United States, the European Union, India, and Canada:

- U.S. Trademark Registration No. 1,601,521, for SYNOPSYS for the following services: "integrated circuit design services" – in class 42, registered June 12, 1990;
- U.S. Trademark Registration No. 1,618,482, for SYNOPSYS for the following goods: "computer programs and program manuals, all sold as a unit, for use in electric circuitry applications" – in class 9, registered October 23, 1990;
- European Union Trade Mark Registration No. 000181172, for SYNOPSYS for the following goods and services: "scientific, nautical, surveying, electric, photographic, cinematographic, weighing, signalling, checking (supervision), lifesaving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; computer software; computer hardware; parts and accessories therefor; fire extinguishing apparatus" – in class 9; "paper; printed matter; stationery; instructional and teaching materials" – in class 16; "consultancy, design, testing, research and advisory services, all relating to computing and computer programming; computer aided engineering design and drawing services; lithographic printing; computer programming; computer systems analysis; computer timesharing; research and development of computer hardware and software; technological services relating to computers; rental and leasing of computers and leasing of access time to a computer database; computer programming; computer rental and updating of computer software; computer software design; computer database leasing; information, consultancy and advisory services relating to the aforesaid" – in class 42, registered February 1, 1999;
- Indian Trademark Registration No. 603839, for SYNOPSYS for the following goods: "computer programs, computer software, data transmission equipments, telecommunication equipments, text processing machines, memory cards with data processors circuits, magnetic and electronic badges, keyboard terminals, printers, visual display consoles, punched cards machines, integrated circuits, memories namely magnetic memories and optical memories all being goods included in class 9" – in class 9, registered August 12, 1993;
- Canadian Trademark Registration. No. TMA458822, for SYNOPSYS for the following goods: "(1) Computer programs and computer manuals, all sold as a unit, for use in electronic circuitry applications; (2) Computer programs and manuals", registered June 7, 1996.

Moreover, Complainant has continuously advertised and delivered insurance underwriting and related services in extensive conjunction with the trademark SYNOPSYS for more than 35 years, and owns its official domain name <synopsys.com>, created in 1989, according to Annex 6 of the Complaint.

The disputed domain name <symnopsys.com> was registered on October 24, 2021, and resolves to a webpage which has similar aesthetics to Complainant's official webpage at the domain name <synopsys.com>, including a modified version of Complainant's logo, the same purple-and-white color scheme used by Complainant, and copyrighted text and images from Complainant's official webpage.

5. Parties' Contentions

A. Complainant

Complainant pleads that the disputed domain name <symnopsys.com> is confusingly similar to its registered trademark SYNOPSIS, since it is a close variation of the trademark SYNOPSIS, altered only by the addition of a single letter "m". Therefore, despite the addition of the letter "m," which represents a misspelling of the trademark SYNOPSIS, the disputed domain name would likely be associated with Complainant's trademark. Complainant also affirms that the disputed domain name is visually and phonetically similar to its trademark SYNOPSIS.

Likewise, Complainant notes that prior UDRP panels have concluded that domain names that have been similarly misspelled, altered by a single letter, are to be confusingly similar (see *ZipRecruiter, Inc. v. Domain Administrator*, WIPO Case No. [D2019-2276](#)).

Therefore, according to Complainant, the disputed domain name <symnopsys.com> takes advantage of Complainant's well-known trademark and is confusingly similar to its trademark, fulfilling paragraph 4(a)(i) of the Policy and paragraph 3(b)(viii) and 3(b)(ix)(1) of the Rules.

In addition, Complainant states that Respondent does not have any rights or legitimate interests in respect of the disputed domain name, nor is Respondent commonly known by the disputed domain name. Further, Respondent has not been authorized, or licensed to use Complainant's trademark SYNOPSIS as a domain name nor is Respondent associated with Complainant.

Nevertheless, Respondent registered and has been using the disputed domain name to purposively attract Internet users and consumers by making a connection with goods and services offered by Complainant. Complainant indicates that Respondent has not used the disputed domain name <symnopsys.com> for a legitimate noncommercial or fair use and claims that Respondent is acting with intent for commercial gain to misleadingly divert consumers within the meaning of paragraph 4(c)(iii) of the Policy.

Complainant argues that Respondent's website closely represents Complainant's official website at "www.synopsys.com" (cf. Annexes 7 and 10 to the Complaint), and that it is being used as part of a fraudulent advance-fee employment phishing scheme. This way, Complainant states that no *bona fide* or legitimate use of the disputed domain name could be reasonably claimed by Respondent, thus paragraph 4(a)(ii) of the Policy and paragraph 3(b)(ix)(2) of the Rules has been fulfilled.

Moreover, Complainant states that it is impossible that Respondent was not aware of Complainant's rights in the well-known trademark SYNOPSIS, given that the trademark SYNOPSIS has been used by Complainant in connection with its goods and services since 1988. Thus, the disputed domain name <symnopsys.com> was registered in bad faith.

At last, Complainant alleges that the disputed domain name is being used by Respondent to impersonate Complainant, since its website closely resembles that of Complainant – therefore, the disputed domain name is being used in bad faith.

In conclusion, Complainant sustains that, by the registration and use of the disputed domain name, Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, creating a likelihood of confusion with Complainant and its trademark SYNOPSIS as to the source, sponsorship,

affiliation, or endorsement of Respondent's website, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To succeed in a UDRP complaint, Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) 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 burden of proving these elements is upon Complainant.

Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, in the absence of exceptional circumstances, the panel's decision shall be based upon the complaint.

A. Identical or Confusingly Similar

Complainant has duly proven that it owns prior trademark rights for SYNOPSIS and that the disputed domain name <symnopsys.com> represents a very close variation of the trademark SYNOPSIS and its domain name <synopsys.com>, altered only by the addition of a single letter "m". The addition of the letter "m" between the letters "y" and "n" in the trademark SYNOPSIS does not prevent a finding of confusing similarity between the disputed domain name and Complainant's trademark SYNOPSIS.

Thus, the Panel finds that the disputed domain name <symnopsys.com> is confusingly similar to Complainant's trademark, and so the requirement of the first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

The consensus view of UDRP panels on the burden of proof under paragraph 4(a)(ii) of the Policy is summarized in section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") as follows: "[w]hile 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."

In this case, noting the facts and contentions listed above, the Panel finds that Complainant has made out a *prima facie* case showing that Respondent lacks rights or legitimate interests in the disputed domain name, so the burden of production shifts to Respondent. As Respondent has not replied to Complainant's contentions, the Panel has considered Complainant's un rebutted *prima facie* case to be sufficient to

demonstrate that Respondent has no rights or legitimate interests in the disputed domain name <symnopsys.com>. Moreover, considering the use of the disputed domain name for purposes of a fraudulent advance-fee employment phishing scheme in which Respondent impersonates Complainant, the Panel concurs with the well-established principal that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

Therefore, the Panel finds that the requirement of the second element of paragraph 4(a) of the Policy is also satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists a number of circumstances that, without limitation, are deemed evidence of registration and use of a domain name in bad faith.

Respondent has registered the disputed domain name that represents a close variation of the trademark SYNOPSYS and domain name <synopsys.com>, altered only by the addition of a single letter “m” between the letters “y” and “n”, forming the word “symnopsys”. Furthermore, the disputed domain name <symnopsys.com> resolves to a website impersonating Complainant by resembling the same purple-and-white color scheme used by Complainant’s website at the domain name <synopsys.com>, displaying copyrighted text and images from Complainant’s website, and displaying a modified version of Complainant’s trademark SYNOPSYS. The website also lists various job offers. Further, the disputed domain name has been used for a fraudulent advance-fee employment phishing scheme, as demonstrated by Annex 11 to the Complaint.

Considering the Complaint’s market reputation, the Panel finds that it is duly demonstrated that Respondent was well aware of Complainant, its trademark and domain name that carry the term “Synopsis” at the time of registration of the disputed domain name, and registered it with the intention to: (i) attract Internet users that are in search for Complainant’s services; and (ii) attempt to scam Internet users with job offerings.

Further, the Panel finds that the mere registration of the disputed domain name that is confusingly similar (particularly the disputed domain name comprising typos) to Complainant’s well-known trademark SYNOPSYS by Respondent (an unaffiliated entity) can by itself create the presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

Moreover, the Panel takes into consideration the UDRP decision concerning fraudulent use of the domain name, as follows: “Additionally the Panel believes that ‘phishing’ in this current instance would amount to bad faith as affecting or tarnishing to bad faith as affecting or tarnishing the image of the organization whose name, website design and layout has wrongly been used.” See *Confederation Nationale du Credit Mutuel v. Daniel Delcore*, [WIPO Case No. DLC2009-0001](#).

In light of the above, the Panel finds that the disputed domain name <symnopsys.com> has been registered and is being used in bad faith. Therefore, the requirement of the third element of paragraph 4(a) of the Policy is satisfied.

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 <symnopsys.com> be transferred to Complainant.

Gabriel F. Leonardos

Sole Panelist

Date: March 15, 2022