

ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. Privacy service provided by Withheld for Privacy ehf / Name Redacted
Case No. D2022-0774

1. The Parties

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

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <syngenta.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 March 4, 2022. On March 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 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 March 7, 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 March 17, 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”).

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2022.

The Center appointed Andrew F. Christie as the sole panelist in this matter on April 19, 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 agricultural technology company with 28,000 employees in 90 countries. Its products include agrochemicals for crop protection, and vegetable and flower seeds.

The Complainant is the owner of several trademark registrations, including International Trademark Registration No. 732663 (registered on March 8, 2000), and United States of America Trademark Registration No. 3036058 (registered on December 27, 2005), both for the word trademark SYNGENTA.

The Complainant is the owner of numerous domain names containing its trademark, including <syngenta.com> and <syngenta.co.uk>.

The disputed domain name was registered on January 11, 2022. The Complainant has provided a copy of two emails, sent on January 12 and 13, 2022, from an email address using the disputed domain name, purporting to be from an employee of the Complainant. The intended effect of these emails was to have funds wired to an account not belonging to the Complainant. At the time of this decision, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant made the following contentions to establish that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The disputed domain name is a clear typo variation of the Complainant's trademark, with the letter "l" substituted for the letter "t". The letter change does not change the look of the respective word strings. At first glance, it is hard to distinguish between the Complainant's SYNGENTA word trademark and the typo version in the disputed domain name.

The Complainant made the following contentions to establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no affiliation with the Complainant, and the Respondent is not authorized to use the Complainant's SYNGENTA trademark. The disputed domain name is not currently resolving to an active website, but was being used for phishing activities.

The Complainant made the following contentions to establish that the disputed domain name was registered and is being used in bad faith. The disputed domain name was used shortly after registration by someone posing as an employee of the Complainant, in an attempt to have funds wired to an imposter bank account. The fake emails used the name of an actual employee of the Complainant, and incorporated the Complainant's website and postal address as part of the signature line. This was a clear and concerted effort by the email sender to deceive the recipient into believing that they were communicating with someone at the Complainant by using the Complainant's logo and address. Registering a typo domain name and using it for a phishing campaign is explicit evidence of bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, on March 29, 2022, the Center received an email in the name of the person disclosed by the Registrar as being the registrant, stating they held no domain names and asserting there had been identity theft.

6. Discussion and Findings

A. Identical or Confusingly Similar

Once the generic Top-Level Domain ("gTLD") ".com" is ignored (which is appropriate in this case), the disputed domain name consists of the Complainant's registered word trademark SYNGENTA, with the letter "t" replaced by the letter "l". The Complainant's trademark is clearly recognizable within the disputed domain name. The substitution of the letter "l" for the letter "t" does not avoid a finding of confusing similarity of the disputed domain name with the trademark.

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

B. Rights or Legitimate Interests

The Respondent is not a licensee of the Complainant, is not otherwise affiliated with the Complainant, and has not been authorized by the Complainant to use its SYNGENTA trademark. The Respondent has not provided any evidence that it has been commonly known by, or has made a *bona fide* use of, the disputed domain name, or that it has, for any other reason, rights or legitimate interests in the disputed domain name. The evidence provided by the Complainant shows that the disputed domain name was used in an email address for communications from someone falsely claiming to be an employee of the Complainant. Such a use of the disputed domain name is neither a *bona fide* use nor a legitimate noncommercial or fair use.

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

C. Registered and Used in Bad Faith

The disputed domain name was registered many years after the Complainant first registered its SYNGENTA word trademark. There can be no doubt that the Respondent registered the disputed domain name with knowledge of the existence of the Complainant's trademark, given the Complainant's prior use of the trademark, the fact that the disputed domain name consists of the trademark with merely the letter "t" substituted by the letter "l", and that the Respondent used the domain name in an attempt to impersonate an employee of the Complainant. Given the Respondent's lack of rights or legitimate interests in the disputed domain name, and the confusing similarity of the disputed domain name to the Complainant's word trademark, any use of the disputed domain name by the Respondent almost certainly indicates the Respondent's intention to create confusion with the Complainant and its mark. The Respondent's registration of the disputed domain name in these circumstances is a bad faith registration.

Furthermore, the evidence on the record provided by the Complainant indicates that the Respondent has used the disputed domain name in a phishing activity attempting to obtain money from one of the Complainant's customers. The Respondent's use of the disputed domain name in this manner is a bad faith use.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

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, <syngenla.com>, be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: May 3, 2022