

ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. Domains By Proxy, LLC / Carolina Rodrigues
Case No. D2022-1042

1. The Parties

The Complainant is Syngenta Participations AG, Switzerland, represented by Michelle O`Neil, Switzerland.

The Respondent is Domains By Proxy, LLC, United States of America ("United States") / Carolina Rodrigues, Panama.

2. The Domain Name and Registrar

The disputed domain name <syngentu.com> 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 March 25, 2022. On March 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 28, 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 29, 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 amended Complaint on March 30, 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 the Respondent of the Complaint, and the proceedings commenced on April 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 22, 2022.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on April 28, 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 operates in the field of science based agricultural technology producing agrochemicals for crop protection and seeds. The Complainant owns trademark registrations for SYNGENTA such as:

- International registration No. 732663 registered on March 8, 2000
- United States registration No. 3036058 registered on December 27, 2005

The disputed domain name was registered on February 8, 2022 and resolves to a parked webpage hosting Pay-Per-Click (“PPC”) sponsored links.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain is a misspelling of the Complainant’s trademark replacing the letter “a” with “u”.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its trademark in the disputed domain name and the Respondent is not affiliated with the Complainant.

The Complainant contends that the disputed domain name is registered and is being used in bad faith. The disputed domain name directs to a parking page containing PPC links which mention the Complainant’s trademark and goods and services. This suggest that the Respondent knew of the Complainant’s business and is attempting to trade-off the well-known trademark of the Complainant in order to divert Internet users for commercial gain. Use of a domain name to resolve to a PPC page containing links mentioning the Complainant’s trademark as a whole and related to the agricultural industry is evidence of bad faith. Also, there was no response to the cease-and-desist notification sent to the Respondent through the Registrar’s contact portal.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for SYNGENTA. The Panel is satisfied that the Complainant has established its ownership of the trademark SYNGENTA.

The disputed domain name is a misspelling of the Complainant’s trademark SYNGENTA; the letter “a” was replaced with the letter “u”. This is a typical case of typosquatting, which is designed to confuse users (*Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#)). The generic Top-Level-Domain (“gTLD”) “.com” can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is identical or confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts that the Respondent is not authorized by the Complainant to use its trademark. Therefore, the Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links capitalize on the reputation and good will of the complainant's mark. The Panel visited the website to which the disputed domain name resolves. The website contains a variety of PPC links about pharmaceutical manufacturing company, clinical research and trial and home solar electric panel. The evidence on file demonstrate that the disputed domain name resolves to a website which hosts PPC links, which relate to the Complainant's products/services.

It is the Panel's view that the Respondent is trying to capitalize on the reputation and goodwill of the Complainant's mark. In *Legacy Health System v. Nijat Hassanov*, WIPO Case No. [D2008-1708](#), it was found that the Respondent had no rights or legitimate interests as "the sole purpose of the disputed domain name is to resolve to pay-per-click advertising websites and collect click-through revenue from advertising links. Such use demonstrates that the Respondent has used the disputed domain name to derive a commercial benefit. There is no indication on the website that the Respondent has made a bona fide use of the disputed domain name".

The Respondent has not provided any evidence to show that it has any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Typosquatting may be an indication of bad faith (*ESPN, Inc v. XC2*, WIPO Case No. [D2005-0444](#)). In the present case it indicates that the Respondent was aware of the Complainant's trademark and has changed only one letter in order to confuse Internet users and to benefit from typos. Furthermore, the disputed domain name resolves to a PPC page containing links related to the Complainant and such use constitutes bad faith. In *Mpire Corporation v. Michael Frey*, WIPO Case No. [D2009-0258](#) the panel found that "While the intention to earn click-through-revenue is not in itself illegitimate, the use of a domain name that is deceptively similar to a trademark to obtain click-through-revenue is found to be bad faith use."

Such conduct of using a domain name, to attract Internet users for commercial gain, would fall squarely within the meaning of paragraph 4(b)(iv) of the Policy. Given the above, the Panel believes that the Respondent has registered the disputed domain name in order to trade off the reputation of the Complainant's trademark. Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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, <syngentu.com> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: May 10, 2022