

ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. Earl Voght
Case No. D2022-3006

1. The Parties

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

The Respondent is Earl Voght, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <syngenta.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 15, 2022. On August 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 16, 2022, 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 August 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 23, 2022.

The Center appointed Adam Samuel as the sole panelist in this matter on October 6, 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 an international agricultural technology company. It owns a number of trademarks for the name SYNGENTA including United States trademark registration number 3036058, registered on December 27, 2005. The Complainant promotes its business using a number of domain names, notably <syngenta.com>, registered by the Complainant on September 8, 1999.

The disputed domain name was registered on June 24, 2022. It resolves to an error message indicating that there is no website at the address concerned.

5. Parties' Contentions

A. Complainant

The disputed domain name is a clear typo variation of the Complainant's well-known mark. The only difference between the Complainant's mark and the disputed domain name is the addition of the letter "n". The duplicate letter does not change the look or pronunciation of the disputed domain name.

The Respondent has no affiliation with the Complainant. The Respondent is not authorized to use the Complainant's trademark.

The disputed domain name does not resolve to an active website. The public could reasonably assume that the disputed domain name is an official domain name of the Complainant resolving to a defunct website.

The disputed domain name configured MX-records which could be used to send and receive emails. The presence of MX records raises the possibility that the disputed domain name may be used for fraudulent email communication. On July 1, 2022, the Complainant sent the Respondent a cease and desist email to which it has not received a response.

B. Respondent

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

6. Discussion and Findings

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

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

A. Identical or Confusingly Similar

The only difference between the disputed domain name and the Complainant's trademark is the insertion of a second "n" after the first "n" in the Complainant's trademark and the addition of the generic Top-Level Domain ("gTLD") ".com".

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

This is an obvious case of typosquatting. As, section 1.9 of the [WIPO Overview 3.0](#) says:

“A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant.”

For these reasons, the Panel concludes the disputed domain name is confusingly similar to the Complainant’s trademark.

B. Rights or Legitimate Interests

The Respondent is not called “Synngenta” or anything similar. There is no evidence that the Complainant has ever authorized the Respondent to use its trademark. The Respondent does not appear to have used the disputed domain name for any legitimate purpose.

Based on the available record, where the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests, and in the absence of any response on this point, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See section 2.1 of the [WIPO Overview 3.0](#).

C. Registered and Used in Bad Faith

The Respondent registered a domain name which is identical to the Complainant’s trademark and domain name except for the addition of a second letter “n”. As the panel in *Edmunds.com, Inc v. Triple E Holdings Limited*, WIPO Case No. [D2006-1095](#) said:

“The registration of a virtually identical and phonetically similar domain name to the Complainant’s trademark, with the deliberate misspelling of that mark, seeks to take advantage of the Complainant’s reputation by capturing traffic from Internet users looking for the Complainant, but misspelling its name. This form of ‘typosquatting’ has long been held [to be] bad faith.”

Even though the Respondent has not used the disputed domain name to build a website, in the circumstances of this case this does not prevent a finding of bad faith under the doctrine of passive holding. See section 3.3 of the [WIPO Overview 3.0](#). Moreover, the effect of the Respondent’s registration of the disputed domain name is to give the impression to Internet users, seeking the Complainant’s website but mistyping the Complainant’s name, that the Complainant’s website has expired or failed to operate in some other way.

For all these reasons, the Panel concludes that the Respondent registered and is using the disputed domain name 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, <synngenta.com>, be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: October 20, 2022