

ADMINISTRATIVE PANEL DECISION

Synopsys, Inc. v. Cornne Martinez

Case No. D2023-0777

1. The Parties

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

The Respondent is Cornne Martinez, United States.

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 February 21, 2023. On February 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 2023, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 6, 2023, 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 9, 2023.

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 March 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 3, 2023.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on April 13, 2023. 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

Founded in 1986, the Complainant is a corporation established under Delaware law and headquartered in Mountain View, California, United States. The Complainant is a publicly traded company on the Nasdaq stock exchange with more than 16,000 employees and 2022 revenues in excess of USD 5 billion. The Complainant is a leading designer of silicon chips and electronic design manufacturing processes for silicon chips. The Complaint attaches examples of media reports recognizing the Complainant's brand as a market leader in this field. The Complainant operates a principal website at "www.synopsys.com", as well as several other websites operating under country code Top-Level domains using the SYNOPSYS trademark. The Complainant has a strong social media presence as well, with 400,000 followers on LinkedIn, 24,000 followers on Facebook, and 20,000 followers on Twitter.

The Complainant holds relevant trademark registrations, including the following:

Mark	Jurisdiction	Registration Nos	Registration Date
SYNOPSYS (word)	United States	1601521	June 12, 1990
SYNOPSYS (word)	United States	1618482	October 23, 1990
SYNOPSYS (word)	Singapore	T9305475E	July 20, 1993
SYNOPSYS (word)	Australia	607361	July 22, 1993
SYNOPSYS (word)	India	603839	August 12, 1993
SYNOPSYS (word)	Canada	TMA458822	June 7, 1996
SYNOPSYS (word)	European Union	000181172	February 1, 1999
SYNOPSYS (word)	Mexico	619107	August 26, 1999
SYNOPSYS (word)	New Zealand	849059	May 25, 2012
SYNOPSYS (word)	Switzerland	633883	September 7, 2012
SYNOPSYS (word)	Israel	240586	February 5, 2013

The Registrar reports that the disputed domain name was created on August 22, 2022, in the name of a privacy service. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant with details that appear to be fallacious or replete with typographical errors. The name of the registrant (and, hence, of the Respondent), disclosed by the Registrar, was given as "Cornne Martinez", listing no organization, in the city of "Carlifornia" (a misspelled state name), supposedly in the State of New York, United States, giving a telephone number from the State of California and a contact email address in the domain name <haamahk.com.co>, which does not resolve to an active website.

At the time the Complaint was filed, the disputed domain name resolved to a parking page hosted by the Registrar with pay-per-click ("PPC") advertising links for a wide variety of "sponsored listings". At the time of this Decision, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its registered SYNOPSYS mark, differing by the repetition of the penultimate letter "y". The Complainant submits that the Respondent is not known by a corresponding name and shows no evidence of rights or legitimate interests in the disputed domain name, which has been used only for third-party PPC advertising.

The Complainant argues that its mark is well-known and long-established, such that the Respondent must have been aware of it. The Respondent's registration of a nearly identical domain name through a privacy service reflects bad faith. The use of the disputed domain name for PPC advertising must also be considered bad faith exploitation of the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following: (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and (ii) the respondent has no rights or legitimate interests in respect of the domain name; and (iii) the domain name has been registered and is being used in bad faith. Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

A. Identical or Confusingly Similar

The first element of a UDRP complaint "functions primarily as a standing requirement" and entails "a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant holds trademark registrations for SYNOPSIS. The disputed domain name is confusingly similar, adding an extra "y" before the final "s". The mark is readily recognizable in the disputed domain name (see *id.*). As usual, the addition of the Top-Level Domain ".com" may be disregarded as a standard registration requirement (see *id.* section 1.11.1).

The Panel finds that the disputed domain name is confusingly similar to the Complainant's mark and concludes that the Complainant has established the first element of the Complaint.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy gives non-exclusive examples of instances in which a respondent may establish rights or legitimate interests in a domain name, by demonstrating any of the following:

- (i) before any notice to it of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Because a respondent in a UDRP proceeding is in the best position to assert rights or legitimate interests in a domain name, it is well established that after a complainant makes a *prima facie* case, the burden of production on this element shifts to the respondent to come forward with relevant evidence of its rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

The Complainant has demonstrated trademark rights and observed that the Respondent does not appear to be known by a corresponding name and has not used the disputed domain name, apart from allowing the Registrar to park it on a landing page with third-party PPC advertising. This establishes a *prima facie* case, and the Respondent has not come forward with evidence of rights or legitimate interests in the disputed domain name. The Panel finds, therefore, that the Respondent has failed to meet its burden of production and concludes that the Complainant prevails on the second element of the Complaint.

C. Registered and Used in Bad Faith

The Policy, paragraph 4(b), furnishes a non-exhaustive list of circumstances that “shall be evidence of the registration and use of a domain name in bad faith”, including the following:

“(iv) by using the domain name, you [respondent] have intentionally attempted to attract, for commercial gain, Internet users to your [respondent’s] web site or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your [respondent’s] website or location or of a product or service on your website or location.”

The Complainant argues that its mark is well-known and long-established, such that the Respondent must have been aware of it, as evidenced by registering a domain name with a slight misspelling of the distinctive mark. This appears to be a classic instance of “typosquatting”, as this string is not comprised of a dictionary word but a misspelling of a coined mark. The Respondent’s registration through a privacy service is not in itself conclusive evidence of bad faith, as there are legitimate reasons to avoid exposing one’s contact details to potential spam and other privacy intrusions. However, this fact combined with the Respondent’s manifestly inaccurate underlying registration details suggests an attempt to hide the Respondent’s identity and reinforces the inference of bad faith in the registration of the disputed domain name.

As for bad faith in the use of the disputed domain name, the Respondent may or may not have profited to date from the PPC advertising associated with the parked disputed domain name, but that is not requisite for a finding of bad faith. The Respondent remains responsible under the Registration Agreement for the use of the disputed domain name. The Respondent registered a domain name confusingly similar to the Complainant’s mark, and it has been employed over time to misdirect Internet users to commercial websites for the commercial gain of others, illegitimately taking advantage of the Complainant’s trademark. UDRP panels have routinely treated such conduct as bad faith within the meaning of the Policy, paragraph 4(b)(iv). See [WIPO Overview 3.0](#), section 3.5.

Finally, of course, the fact that the Respondent has not submitted a Response to the Complaint supports the inference that the Respondent lacks an alternative reason for selecting the disputed domain name or a justification for allowing it to be so employed.

The Panel finds bad faith in the registration and use of the disputed domain name on this record and concludes that the Complainant has established the third element of the Complaint.

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 <synopsys.com> be transferred to the Complainant.

/W. Scott Blackmer/
W. Scott Blackmer
Sole Panelist
Date: April 26, 2023