

ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. Aghazu Maurice, naijabaze.com.ng
Case No. D2023-0892

1. The Parties

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

The Respondent is Aghazu Maurice, naijabaze.com.ng, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <syngentafinlimited.com> (the “Domain Name”) is registered with Whogohost Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 28, 2023. On February 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 1, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 1, 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 amendment to the Complaint on March 1, 2023.

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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 27, 2023. On March 27, 2023, the Center received an informal communication from the Respondent.

The Center appointed Ian Lowe as the sole panelist in this matter on March 30, 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

The Complainant is a member of Syngenta Group (“Syngenta”), a global, science-based agtech organization with headquarters in Switzerland, dedicated to bringing plant potential to life. Syngenta has 30,000 employees in 90 countries. It was formed by merger in 2000. Syngenta operates a website at “www.syngenta.com” promoting its businesses.

The Complainant is the proprietor of numerous registered trademarks in respect of SYNGENTA, including International trademark number 732663 SYNGENTA registered on March 8, 2000, designating a number of territories including the United Kingdom, Germany, China and the Russian Federation; and Nigeria trademark number 83812 SYNGENTA registered on July 5, 2010.

The Domain Name was registered on January 8, 2023. It does not resolve to an active website.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is identical or confusingly similar to its SYNGENTA trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant’s contentions. The Respondent sent an email to the Center on March 27, 2023, in response to emails from the Center regarding the Complaint, stating: “I am actually not comfortable getting these emails anymore.”

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name, the Complainant must prove that:

- (i) the Domain Name is 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.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of its use of the mark over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Complainant’s SYNGENTA trademark together with the terms “fin” (a common abbreviation for “financial”) and “Limted” (a misspelling of the word “limited”). In the view of the Panel, these differences do not prevent a finding of confusing similarity between the Domain Name and the Mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Domain Name is not being used for an active website. In the Panel's view, it is difficult to conceive a legitimate purpose for registering a domain name comprising the entirety of the Complainant's SYNGENTA trademark.

The Respondent has chosen not to respond to the Complaint to explain its registration or use of the Domain Name, or to take any other steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, comprising as it does the entirety of the Complainant's distinctive and notorious name, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. The only possible inference is that the Respondent registered the Domain Name for commercial gain with a view to taking unfair advantage of the Complainant's rights in the mark and to confuse Internet users into believing that the Domain Name was being operated by or authorized by the Complainant.

While the Domain Name may not currently resolve to an active website, passive holding of a domain name does not prevent a finding of bad faith, as noted in section 3.3 of the [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition](#). Accordingly, the Panel finds that the 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 Domain Name <syngentafinlited.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: April 13, 2023