

ADMINISTRATIVE PANEL DECISION

Synopsys, Inc. v. yuan bo ge, geyuan bo
Case No. D2023-1233

1. The Parties

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

The Respondent is yuan bo ge, geyuan bo, China.

2. The Domain Name and Registrar

The disputed domain name <dynopsys.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2023. On March 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 23, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 24, 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 29, 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 April 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 26, 2023.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on May 16, 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 was incorporated in 1986 in the United States. It is engaged in electronic design automation including solutions for the design and verification of advanced silicon chips and for designing processes and models for the manufacture of silicon chips.

The Complainant claims to be the leading business around the world operating in these fields. It has been recognized with TSMC OIP Partner of the Year awards for the 12th consecutive year in 2022. In 2022, the Complainant was also named a Leader in the Gartner Magic Quadrant for Application Security Testing for the sixth year in a row. In November 2021, its "PrimeShield" design robustness solution was awarded Product of the Year in the 2021 World Electronics Achievement Awards. The Complaint also includes evidence of other awards.

The Complainant employs more than 16,000 employees and in 2022 had revenues in excess of USD five billion.

Its LinkedIn page has over 400,000 followers. Its Facebook account has 24,000 followers and its Twitter account has 20,000 followers.

The Complainant's main website is operated from "www.synopsys.com". The Complaint also includes evidence that the Complainant has registered numerous other domain names containing "synopsys".

The Complaint includes evidence that the Complainant has at least 12 registered trademarks for SYNOPSYS around the world. These include:

- (a) United States Registered Trademark No. 1,601,521, which was registered in the Principal Register on June 12, 1990;
- (b) Chinese Registered Trademark No. 902457, which was registered on November 21, 1996; and
- (c) European Union Trademark No. 000181172, which was registered on February 1, 1999.

The disputed domain name was registered on July 15, 2022.

So far as the record in this proceeding shows, the disputed domain name has not resolved to an active website. Nor is it otherwise in use.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves 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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the registered trademark, SYNOPSIS, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1

As a standard requirement of domain name registration, a generic Top-Level Domain (".com") may be disregarded in the comparison with a mark for the purposes of the first element of paragraph 4(a) of the Policy. See [WIPO Overview 3.0](#), section 1.11.

The disputed domain name differs from the Complainant's proven trademark SYNOPSIS by the substitution of the letter "d" for the letter "s". On a QWERTY keyboard, the letter "d" is next to the letter "s". This substitution, therefore, can be seen as the kind of misspelling known as "typosquatting". See e.g., [WIPO Overview 3.0](#) section 1.9.

Disregarding the gTLD, the Panel finds the Complainant's trademark is recognisable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Respondent registered the disputed domain name long after the Complainant began using its trademark and also long after the Complainant registered the twelve trademarks relied on in this proceeding.

The disputed domain name is not derived from the Respondent's name. Nor is there any evidence of some

other name by which the Respondent is commonly known from which the disputed domain name could be derived. There is no evidence of any trademark for “DYNOPSIS” registered by the Respondent.

The Complainant declares that it has not licensed the Respondent to register or use the disputed domain name. The Complainant also declares the Respondent is not otherwise associated with or related to the Complainant.

The Respondent has not disputed any of these matters.

As there is no evidence that the disputed domain name is being used, the Respondent cannot claim that it is being used in connection with a good faith offering of goods or services or for a legitimate noncommercial or other fair use. See *e.g.*, *Instagram, LLC v. Registration Private, Domains By Proxy LLC/ sezer suat*, WIPO Case No. [D2022-0157](#) and *Arm Limited v. George Pachter, Technology Data Exchange, Inc.*, WIPO Case No. [D2021-0994](#). Correspondingly, the Respondent has not advanced any evidence to support a contention of demonstrable preparations for such use.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see *e.g.*, *Burn World-Wide, Ltd. d/b/a BGT Partners v. Banta Global Turnkey Ltd*, WIPO Case No. [D2010-0470](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

In the present case, the Panel infers that the Respondent was well aware of the Complainant’s trademark when the Respondent registered the disputed domain name. First, the Complainant has been using its trademark for over thirty years, very extensively and is a recognized global leader in its field.

Secondly, while the Panel accepts that the word “synopsys” can have an ordinary dictionary meaning in some contexts that is not the case here. Moreover, that is certainly not the case with “dynopsys” which is not an ordinary dictionary word or otherwise in common usage. Further, it is well-established that typosquatting of a well-known trademark can give rise to a presumption of registration in bad faith. See *e.g.*, *Belmont Village, L.P. v. Name Redacted*, WIPO Case No. [D2022-4895](#).

Thirdly, the use of a privacy service in combination with the other factors in this case lends further support to an inference that the Respondent has attempted to conceal his or her identity which is a further basis to infer bad faith. See *e.g.*, [WIPO Overview 3.0](#), section 3.6.

Fourthly, as already noted, the Respondent has not disputed the Complainant’s contentions or otherwise sought to justify the registration.

In the circumstances of this case, therefore, the Panel infers that the Respondent registered the disputed domain name in bad faith.

The fact that the disputed domain name is not in use is not a bar to a finding of use in bad faith under the Policy. See *e.g.*, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). Building on this, [WIPO Overview 3.0](#) section 3.3 explains:

“While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the

complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put."

In the present case, the first three considerations identified in the [WIPO Overview 3.0](#) point strongly in favour of a finding of use in bad faith. Insofar as "dynopsys" is not descriptive of anything in particular it is perhaps not inconceivable that it could be used in a field wholly unrelated to the Complainant's field of activity. There is, however, no suggestion in the record of any such good faith use or even demonstrable preparations for such a use. On the contrary, faced with the Complainant's allegations including that the Respondent registered the disputed domain name to mislead consumers through the practice of typosquatting, the Respondent has remained silent and not sought to advance any sort of defence or explanation. In these circumstances, therefore, the Panel considers the totality of the circumstances leads to a finding of use in bad faith.

Based on the available record, the Panel finds the third element of the Policy has been established.

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, <dynopsys.com> be transferred to the Complainant

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: May 30, 2023