

ADMINISTRATIVE PANEL DECISION

Synopsys, Inc. v. Crypto Brain
Case No. D2023-3387

1. The Parties

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

The Respondent is Crypto Brain, France.

2. The Domain Name and Registrar

The disputed domain name <synospys.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 August 8, 2023. On August 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 8, 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 August 9, 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 August 14, 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 August 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 6, 2023.

The Center appointed Zoltán Takács as the sole panelist in this matter on September 12, 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 United States publicly-traded company (Nasdaq: SPNS) doing business in electronic design automation.

The Complainant has over 16,000 employees and in 2022 it reported over USD 5 billion in revenue.

The Complainant has developed a strong online presence by being active on various social-media platforms, having over 500,000 followers on LinkedIn, over 24,000 followers on Facebook and over 20,000 followers on Twitter.

The Complainant owns a number of trademark registrations for the mark SYNOPSIS in various jurisdictions, such as the European Union Trade mark Registration No. 000181172 for the word mark SYNOPSIS, registered since February 1, 1999, for goods and services of classes 9, 16, and 42 of the Nice Agreement Concerning the International Classification of Good and Services for the Purpose of the Registration of Marks.

Since June 27, 1989, the Complainant owns the domain name <synopsis.com>, which resolves to its corporate website.

The disputed domain name was registered on February 8, 2023, and is parked with the Registrar. The corresponding parking page features various pay-per-click (PPC) links.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that:

- the disputed domain name is confusingly similar to its SYNOPSIS trademark, since it incorporates a close variation of it, altered only by the switching of letters "ps" of the trademark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- taking into account the long-standing use and reputation of its SYNOPSIS trademark, it is unlikely that the Respondent did not have prior knowledge of its trademark at the time of registration. The Complainant further contends that it is also unlikely that the Respondent obtained the disputed domain name, which consists of an obvious misspelling of its trademark for any other reason than to unlawfully benefit from the goodwill built up by the Complainant in the SYNOPSIS trademark.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made "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 complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the 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 domain name; and
- (iii) the 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the mark is recognizable within the disputed domain name.

The only difference between the trademark and the disputed domain name is switching of the letters "ps" of the trademark in the disputed domain name.

The Panel considers this obvious misspelling of the Complainant's trademark a clear example of typosquatting. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for the purpose of the first element. [WIPO Overview 3.0](#), section 1.9.

Based on the available record, the Panel finds that the disputed domain name is confusingly similar to the mark for the purposes of the Policy and that 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 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 that 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 Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has made demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4, and
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The disputed domain name is parked with the Registrar, and the corresponding parking page features various PPC links. UDRP 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 either compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

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

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The Complainant's trademark, misspelled variant of which the disputed domain name fully incorporates is inherently distinctive and used by the Complainant for more than 30 years in the United States and internationally. A basic Internet search against the disputed domain name returns solely the Complainant and its business.

These facts in view of the Panel indicate that the Respondent must have been aware of the Complainant's business and trademark at the time of obtaining the disputed domain name and chose to register it to target the Complainant's trademark within the meaning of paragraph 4(b)(iv) of the Policy.

Furthermore, for the reasons discussed above the Panel considers the Respondent's obvious misspelling of the Complainant's trademark in the disputed domain name a clear case of typosquatting registration (see *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#)).

The disputed domain name is parked with the Registrar and the corresponding parking page features various PPC links. UDRP panels have held that neither the fact that such links are generated by a third party (in this case by the registrar), nor the fact that the respondent itself may not have directly profited would by itself prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.5.

Based on the available record, the Panel finds that 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 <synospys.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: September 26, 2023