

## **ADMINISTRATIVE PANEL DECISION**

Synopsys, Inc. v. Jay Athey

Case No. D2024-0972

### **1. The Parties**

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

Respondent is Jay Athey, United States of America.

### **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 March 5, 2024. On March 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 2024, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on March 7, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 12, 2024.

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 Respondent of the Complaint, and the proceedings commenced on March 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 3, 2024.

The Center appointed Timothy D. Casey as the sole panelist in this matter on April 17, 2024. 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

Complainant is a United States of America corporation engaged in developing technologies for silicon chip design, verification, intellectual property integration, and related software. Complainant is publicly traded (NASDAQ), employs over 19,000 employees, and reported over USD 5.8 billion in revenue in 2023. Complainant operates a number of domain names, including <synopsys.com>, which it registered in 1989.

Complainant has registrations for numerous trademarks around the world for “SYNOPSYS” (the “SYNOPSYS Marks”), including the following:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
SYNOPSYS	United States of America	42	1601521	June 12, 1990
SYNOPSYS	United States of America	9	1618482	October 23, 1990
SYNOPSYS	European Union Intellectual Property Office	9, 16, 42	000181172	February 1, 1999

The disputed domain name was registered on January 26, 2024. At the time of filing the Complaint, the disputed domain name resolved to a parking page that features Pay-Per-Click (“PPC”) links.

#### 5. Parties’ Contentions

##### A. Complainant

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

Notably, Complainant contends it has rights in the SYNOPSYS Marks as evidenced by the facts above and as articulated in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.2.1. Complainant contends, disregarding the generic Top-Level Domain (“gTLD”), the misspelling of the SYNOPSYS Marks in the disputed domain name does not prevent a finding of confusing similarity as the SYNOPSYS Marks remain sufficiently recognizable in the disputed domain name.

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name and that Complainant has never licensed or otherwise authorized Respondent’s use of the same. Complainant further contends that Respondent cannot asset, prior to any notice, that it was using or had made preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Rather, Complainant alleges Respondent is using the disputed domain name in connection with a parking page featuring PPC links, which is not a bona fide offering. Complainant also contends that Respondent has never been commonly known by the disputed domain name. Respondent’s usage of the disputed domain name is not a legitimate noncommercial or fair use without intent for commercial gain because Respondent is likely using the parking page to capitalize on the reputation and goodwill of the SYNOPSYS Marks.

Complainant contends the disputed domain name was registered and has been used in bad faith by Respondent. Given the global reach of Complainant’s goods and services associated with the SYNOPSYS Marks and Complainant’s established rights in the SYNOPSYS Marks years prior to registration of the disputed domain name indicate that Respondent only registered the disputed domain name to attract Internet users for potential gain based on their confusion. Complainant contends the obvious misspelling of the SYNOPSYS Marks in the disputed domain name demonstrates bad faith. Respondent’s use of the disputed

domain name in association with a parking page featuring PPC links seeks to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion, is further evidence of bad faith.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **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 Complainant's SYNOPSIS Marks and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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 the SYNOPSIS Marks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the SYNOPSIS Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. "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." [WIPO Overview 3.0](#), section 1.9. Further, the gTLD may be disregarded for purposes of assessment under the first element as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel considers Respondent's utilization of a misspelling of the SYNOPSIS Marks in the disputed domain name, which is then used for a parking page including PPC links, is intended to attract and mislead Internet users when searching for the Complainant's website and to redirect them to the third-party links from which the Respondent most probably derives commercial revenue.

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.

In the present case, the Panel notes that Respondent has used the disputed domain name to both disrupt the business of Complainant and intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the SYNOPSIS Marks. UDRP Panels have found that the use of a domain name to host a parked page featuring PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of Complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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

The Panel finds that Complainant has established the third element of the Policy.

### **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 Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: May 1, 2024