

ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. 任艺伟 (Yi Wei Ren)
Case No. D2024-0982

1. The Parties

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

The Respondent is 任艺伟 (Yi Wei Ren), China.

2. The Domain Name and Registrar

The disputed domain name <syngenta.website> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on March 8, 2024. On March 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 2024, 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 in English on March 14, 2024.

On March 13, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On March 14, 2024, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on March 19, 2024. In accordance with the

Rules, paragraph 5, the due date for Response was April 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2024.

The Center appointed Francine Tan as the sole panelist in this matter on April 24, 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

The Complainant is a global agtech (agriculture technology) company with 30,000 employees in 90 countries. Its products include agrochemicals for crop protection, as well as vegetable and flower seeds.

The Complainant states it owns various trade mark registrations for SYNGENTA worldwide, including the following:

- International trade mark registration No. 732663 for SYNGENTA, registered on March 8, 2000; and
- United States of America trade mark registration No. 3036058 for SYNGENTA, registered on December 27, 2005.

The Complainant also owns various domain names incorporating its SYNGENTA trade mark, including:

- <syngenta.com>;
- <syngenta-us.com>;
- <syngenta.cn>;
- <syngenta-online.com>;
- <syngentaonline.com>;
- <syngenta.co>;
- <syngenta.co.uk>;
- <syngenta.fr>;
- <syngenta.de>;
- <syngenta.ru>; and
- <syngenta.vn>.

The disputed domain name was registered on December 21, 2023. At the time of filing the Complaint, the disputed domain name resolved to a Dan.com webpage where it was listed for sale for the price of USD 1,450.

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.

The Complainant contends that:

1) the disputed domain name is identical and confusingly similar to the SYNGENTA trade mark in which the Complainant has rights. The disputed domain name contains the SYNGENTA trade mark in its entirety with no additions or amendments. The generic Top-Level Domain ("gTLD") is a standard registration requirement and is disregarded for the purposes of assessing if there is identity or confusing similarity.

2) the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, and has not been authorized to use the Complainant's SYNGENTA trade mark. Further, the disputed domain name is listed for sale on Dan.com for the price of USD 1,450.

3) the disputed domain name was registered and is being used in bad faith. The disputed domain name is listed for sale for a price that far exceeds the registration costs. There is no bona fide offering of goods or services, or a legitimate, noncommercial use of the disputed domain name. Given the distinctive nature of the disputed domain name which is specific to the Complainant, there is no apparent legitimate reason justifying the offer for sale of the disputed domain name to third parties. The Respondent must have known of the Complainant as the Complainant is prominent in China, since ChemChina purchased the Complainant's business in 2017. The deal was widely reported around the world as it represented the biggest Chinese foreign takeover up to that point in time. Attempts to reach out to the Respondent failed and proved to be complicated. These are indicators of bad faith.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons:

- the disputed domain name consists of words in Latin characters including the English word "website";
- registering a domain name which includes English implies that the Respondent has some proficiency in English or was targeting an English-speaking public;
- the gTLD, ".website", is in English;
- English is the primary language for international relations; and
- translating the Complaint into Chinese would cause an unfair burden and expense to the Complainant, and would unduly delay the proceeding.

The Respondent did not file any response in respect of the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the language/script of the domain name particularly where the same as that of the complainant's mark, any content on the webpage under the disputed domain name, and potential unfairness or unwarranted delay in ordering the complainant to translate the complaint (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

The Respondent did not object nor give a reason for why he would be prejudiced by a decision for the proceeding to be in English. Having taken into account all the relevant factors, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced and recognizable within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel therefore finds 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.

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name or that he was licensed or authorized by the Complainant to use the SYNGENTA trade mark or to register the disputed domain name. The disputed domain name resolves to a Dan.com webpage where it is offered for sale for USD 1,450, which is a price that far exceeds the likely out-of-pocket registration costs incurred by the Respondent. There is no evidence that the Respondent is using or preparing to use the disputed domain name for any legitimate noncommercial or fair use. Paragraph 4(c) of the Policy provides a list of circumstances by which the Respondent may demonstrate rights or legitimate interests in the disputed domain name. The Respondent has, however, not rebutted the Complainant’s prima facie showing and has not come forward with any evidence whatsoever demonstrating rights or legitimate interests in the disputed domain name.

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.

The disputed domain name incorporates the entirety of the Complainant’s distinctive and well-established trade mark with no alterations or additions. The Complainant’s SYNGENTA trade mark has been registered for many years. Given that length of time of use and registration of the SYNGENTA trade mark and the prominence of the Complainant and its trade mark even in China, the Panel finds it highly unlikely that the Respondent did not know of the Complainant and its SYNGENTA trade mark at the time he registered the disputed domain name. As is stated in [WIPO Overview 3.0](#), section 3.1.4:

“[P]anels have consistently found that the mere registration of a domain name that is identical or confusingly similar [...] to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.”

As mentioned above, the disputed domain name resolves to a Dan.com webpage where it is offered for sale for USD 1,450, which is a price that far exceeds the likely out-of-pocket registration costs incurred by the Respondent.

The Respondent did not file any response and therefore in the absence of any rebuttal evidence, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the 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 <syngenta.website> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: May 3, 2024