

## ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. 石磊 (Lei Shi)  
Case No. D2024-4157

### 1. The Parties

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

The Respondent is 石磊 (Lei Shi), China.

### 2. The Domain Names and Registrar

The disputed domain names <syngentagreencastconnet.com> and <syngentagreencastconect.com> (the “Disputed Domain Names”) are registered with Cloud Yuqu LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 9, 2024. On October 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On October 11, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 11, 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 amended Complaint in English on October 15, 2024.

On October 11, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Names is Chinese. On October 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 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 in Chinese and English, and the proceedings commenced on October 21, 2024. In accordance

with the Rules, paragraph 5, the due date for Response was November 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 11, 2024.

The Center appointed Andrew Sim as the sole panelist in this matter on November 14, 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 company existing under the laws of Switzerland. The Complainant is a global, science-based agricultural technology company with 30,000 employees in 90 countries, with annual group sales in 2023 of over USD 30 billion. Its products include agrochemicals for crop protection as well as vegetable and flower seeds. The Complainant's Syngenta Green Cast program (the "Green Cast Program") provides resources and tools for superintendents, lawn care professionals, sports turf managers, ornamental growers, and aquatics applicators.

The Complainant holds registered trademarks for SYNGENTA (the "SYNGENTA Trademark") in various jurisdictions, for example:

Jurisdiction	Mark	Registration Number	Registration Date	Class(es) Covered	Status
International (designating China, among others)	SYNGENTA	732663	March 8, 2000	1, 2, 5, 7, 8, 9, 10, 16, 29, 30, 31, 32, 35, 36, 41, and 42	Registered
The United States of America	SYNGENTA	3036058	December 27, 2005	1, 5, 16, 31, 35, 36, 41, and 42	Registered

The Complainant also holds registered trademarks for "GreenCast" (the "GreenCast Trademark") in various jurisdictions, for example:

Jurisdiction	Mark	Registration Number	Registration Date	Class(es) Covered	Status
International (designating China, among others)	 GreenCast [GreenCast]	1140293	November 8, 2012	5, 42, and 44	Registered

The Complainant operates many domain names associated with the SYNGENTA Trademark and/or the GreenCast Trademark.

For example, the Complainant owns and maintains these primary domain names: <syngenta.com>, <syngentagreenconnect.com>, <greencastonline.com>, and <syngentadigitalapps.com>. The <syngenta.com> domain name redirects to the global official website of the Complainant (i.e., "www.syngenta.com") (the "Global Website"), which displays information about the Complainant's businesses, offerings, and promotional and other corporate material, and has the options to switch to the Syngenta Group's global website (i.e., "www.syngentagroup.com") (the "Group Website") and its websites in other countries. The <greencastonline.com> domain name redirects to the official website of the Green Cast Program (i.e., "www.greencastonline.com"), which displays business and product information of the Green Cast Program and has the option to switch to the Global Website.

The Complainant also operates other domain names containing the SYNGENTA Trademark, followed by a generic or a country code Top-Level Domain (“TLD”), for example <syngenta.fr>, <syngenta.de>, <syngenta.vn>, and <syngenta-us.com>. In relation to domain names with the country code TLD “.cn”, the Complainant owns and maintains the <syngenta.cn> domain name. This domain name redirects to the Chinese official website of the Complainant (i.e., “www.syngentagroup.cn”), which displays information about Syngenta Group China and has the option to switch to the Group Website.

The Disputed Domain Names were both registered on September 17, 2024, one day after the registration of the Complainant’s domain name <syngentagreencastconnect.com> on September 16, 2024. Based on the Complainant’s evidence, upon entering “www.syngentagreencastconnet.com” and/or “www.syngentagreencastconect.com”, they both resolve to pay-per-click sites with agricultural themed links. Upon the Panel’s own visits to both websites, it appears that they are no longer accessible with the words “Host Not Found - DNS error (the host name of the page you are looking for does not exist) or Server did not accept the connection” displayed. This is likely caused by the Registrar’s decision to place the Disputed Domain Names on registrar lock pending the resolution of the present proceeding.

Little information is known about the Respondent. Available information provided by the Registrar covers only the registrant’s name, postal address, telephone number, fax number, and email address.

## 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 Names.

First, the Complainant contends that the Disputed Domain Names are confusingly similar to the Complainant’s SYNGENTA Trademark and its registered domain names, as they contain the SYNGENTA Trademark in whole. The only differences between the Complainant’s SYNGENTA Trademark and the Disputed Domain Names are the misspelled terms “GreenCastConnet” and “GrenCastConect” respectively, both of which are typos of the GreenCast Trademark, hence the Disputed Domain Names should be found to be confusingly similar to the SYNGENTA Trademark and/or the GreenCast Trademark.

Second, the Complainant contends that the Respondent lacks rights or legitimate interests in the Disputed Domain Names as the Respondent has no affiliation with the Complainant and is not authorized to use the Complainant’s trademarks.

Third, the Complainant contends that the Disputed Domain Names were registered and are being used in bad faith. From a timing perspective, the Disputed Domain Names were registered one day after the registration of the Complainant’s <syngentagreencastconnect.com> domain name. Both of them resolve to pay-per-click sites with agricultural themed links, indicating that the Respondent is trading off the Complainant’s well-known brands for financial gains and that the Disputed Domain Names are not being used in a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Complainant contends that the Respondent must have knowledge of the Complainant (and its business), as (i) the Disputed Domain Names contain the Complainant’s SYNGENTA Trademark and a misspelled version of the GreenCast Trademark, (ii) the Complainant is an internationally known group company with strong business presence in China, and (iii) the name of the Respondent corresponds with an individual with whom the Complainant had an earlier domain name dispute in the case of *Syngenta Participations AG v. 石磊 (Lei Shi)*, WIPO Case No. [D2023-0496](#). The Complainant also draws support from the fact that the Disputed Domain Names were registered anonymously. The Complainant references several prior WIPO UDRP cases involving individuals with identical names to the Respondent, in which decisions were rendered against those individuals.

The Complainant requests that the Disputed Domain Names be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: 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, including the fact that the Disputed Domain Names include English words, implying that the Respondent has some proficiency in English or was attempting to target an English-speaking public, and that translating the Complaint into Chinese would cause an unfair burden and expense to the Complainant and would unduly delay the proceedings.

The Respondent did not make any submissions with respect to the language of the proceeding. This is despite the fact that the Center had sent the notification of the Complaint which includes instructions on the language of the proceeding to the Respondent in both Chinese and English.

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 parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **6.2 Substantive Issues**

Paragraph 4(a) of the Policy states that, in an administrative proceeding, the Complainant must prove each of the following three elements:

- (a) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- (c) the Respondent has registered or has been using the Disputed Domain Names in bad faith.

For the below reasons, support for the Complaint can be found due to the satisfaction of the three conditions for each of the Disputed Domain Names.

#### **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 trademarks and the Disputed Domain Names. [WIPO Overview 3.0](#), section 1.7.

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 Complainant's SYNGENTA Trademark and GreenCast Trademark are recognizable within the Disputed Domain Names. The Panel finds that the misspelled terms "GreenCastConnet" and "GrenCastConect" contained in the Disputed Domain Names, respectively, are obvious and intentional misspellings of the GreenCast Trademark. [WIPO Overview 3.0](#), section 1.9.

Accordingly, the Disputed Domain Names are confusingly similar to the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names. 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 Names such as those enumerated in the Policy or otherwise.

Particularly in regards to the three illustrative examples of legitimate interests in paragraph 4(c) of the Policy, the Panel finds that:

- (i) The Respondent has not used the Disputed Domain Names in connection with a bona fide offering of goods and services, as upon entering "www.syngentagreencastconnet.com" and/or "www.syngentagreencastconect.com", both displayed links to pay-per-click sites instead of showing any legitimate product or service offerings;
- (ii) The Disputed Domain Names do not correspond with the Respondent's name (i.e., "Lei Shi") in English or Chinese, and there is no evidence of the Respondent operating any business or organization with similar name as the Disputed Domain Names; and
- (iii) The Respondent's use of the Disputed Domain Names does not fall within the scope of legitimate noncommercial or fair use, as the redirection to pay-per-view sites demonstrates clear intention of commercial gain.

The Panel also finds that the Respondent has no rights or legitimate interests to use the Complainant's SYNGENTA Trademark and/or the GreenCast Trademark.

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 Panel finds that the circumstances of registering the Disputed Domain Names clearly demonstrate the Respondent's bad faith:

- (a) The Complainant's SYNGENTA Trademark and/or the GreenCast Trademark were registered many years before the Respondent's registration of the Disputed Domain Names which are not only identical or confusingly similar to the Complainant's trademarks but also to its registered domain names such as <syngenta.com>, <syngentagreencastconnect.com> and <greencastonline.com>;
- (b) The Respondent has shown a pattern of trademark hoarding conducts, for example:

I. *Syngenta Participations AG v. 石磊 (Lei Shi)*, WIPO Case No. [D2023-0496](#);

II. *Accor v. 石磊 (Lei Shi)*, WIPO Case No. [D2021-0958](#); and

III. *Asurion, LLC v. 石磊 (Lei Shi)*, WIPO Case No. [DCO2020-0057](#);

- (c) Although there is no definite proof that the “石磊 (Lei Shi)” in the above cases was/were the same person as the Respondent and noting the possibility of coincidences, in view of the similarity of the nature of the conducts in the above cases and the present proceedings, the Panel finds, on the balance of probabilities, that the Respondent is the same person as the “石磊 (Lei Shi)” in the above cases;
- (d) Based on the Complainant's arguments as summarized in section 5.A above, the Panel finds that the Respondent must have actual or constructive knowledge of the Complainant (and its trademarks) at the time of registering the Disputed Domain Names;
- (e) There is no reasonable connection or association between the Respondent and the Disputed Domain Names; and
- (f) According to previous UDRP decisions, the mere registration of the Disputed Domain Names, which contain the entirety of the SYNGENTA Trademark and a typographical variation of the GreenCast Trademark - both of which are trademarks with significant and extensive usage and owned by the Complainant, being an unaffiliated entity - can, in itself, create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. The Respondent has failed to rebut such presumption of bad faith.

The Panel finds that the circumstances of using the Disputed Domain Names clearly demonstrate the Respondent's bad faith and has particularly satisfied the situation as specified in paragraph 4(b)(iv) of the Policy:

The Respondent intentionally attempted to attract Internet users to visit its websites and to click the pay-per-click links for personal commercial gain by creating a likelihood of confusion with the Complainant's trademarks.

Inference of bad faith is also drawn in accordance with paragraph 14(b) of the Rules for the Respondent's failure to file a response as required in paragraph 5(a) of the Rules in the absence of exceptional circumstances.

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 Names <syngentagreencastconnet.com> and <syngentagreencastconect.com> be transferred to the Complainant.

/Andrew Sim/

**Andrew Sim**

Sole Panelist

Date: November 28, 2024