

ADMINISTRATIVE PANEL DECISION

Synopsys, Inc. v. Lim Cheng, Lee Yew, Lee Yew
Case No. DCC2023-0017

1. The Parties

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

The Respondents are Lim Cheng, Lee Yew, and Lee Yew, all from the United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <onlinessynopsyssapps.cc>, <onlinessynopsysssystem.cc> and <onlinesynopsyssapps.cc> are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

A first Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 27, 2023 concerning the disputed domain name <onlinessynopsyssapps.cc>. On September 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 28, 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, PrivacyGuardian.org LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 2, 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 amended Complaints on October 4, 2023 and on October 10, 2023, and requested that the disputed domain names <onlinesynopsissapps.cc> and <onlinessynopsysssystem.cc> be added to the proceeding.

The Center sent an email communication to the Complainant on October 13, 2023 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity. The Complainant filed an amended Complaint on October 17, 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 Respondents of the Complaint, and the proceedings commenced on October 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 9, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on November 10, 2023.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on November 29, 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 is a United States company engaged in electronic design automation. More specifically, the Complainant is a provider of solutions for designing and verifying advance silicon chips, and for designing processes and models required to manufacture those chips.

Among other registrations, the Complainant is the owner of the European Union Trade Mark No. 000181172 for SYNOPSIS, registered on February 1, 1999 in classes 9, 16 and 42.

The Complainant is the owner of several domain names consisting of or including its SYNOPSIS trademark.

The Respondent Lee Yew registered the disputed domain name <onlinesynopsyssapps.cc> on September 11, 2023.

The Respondent Lim Cheng registered the disputed domain name <onlinessynopsyssapps.cc> on September 13, 2023.

The Respondent Lee Yew registered the disputed domain name <onlinessynopsysssystem.cc> on October 4, 2023.

At the time of filing of the Complaint, because of the Complainant’s suspension request to the Registrar, all the disputed domain names resolved to inactive websites. The disputed domain names used however to resolve to identical websites displaying the Complainant’s trademark and logo, inviting Internet users to “log in” by providing a username and password.

On September 28, 2023, the Complainant was informed by a user that he had received a job offer from someone claiming to be a Synopsys employee and sending him a link for training on the website at the disputed domain name <onlinesynopsyssapps.cc>.

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.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its trademark, as they identically reproduce its trademark with the mere addition of the descriptive terms “online”, “apps” and “system”. The Complainant submits furthermore that the misspelling of the Complainant’s SYNOPSIS trademark as “synopsyss” and “ssynopsyss” does not prevent a finding of confusing similarity. The Complainant further contends that the Respondents have no rights or legitimate interests in the disputed domain names, as the Respondents are not authorized by the Complainant to use the disputed domain names, and there is no indication that the Respondents are known under the disputed domain names. According to the Complainant, the Respondents have not used the disputed domain names in connection with any *bona fide* offering of goods or services, nor are the Respondents making any legitimate noncommercial use of the disputed domain names.

Finally, the Complainant contends that the Respondents have used and registered the disputed domain names in bad faith. According to the Complainant, the Respondents knowingly proceeded to register the disputed domain names with a view of engaging in fraudulent activities that would mislead Internet users as to the source of the disputed domain names and in an effort to mislead unsuspecting Internet users into disclosing personal identifying information.

B. Respondents

The Respondents did not reply to the Complainant’s contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

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

I. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant’s request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants’ identity(ies), (ii) the registrants’ contact information (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (vii) the relevant language/scripts of the disputed domain names (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain

name(s), (ix) any evidence of the respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).

As regards common control, the Panel notes that the factors suggesting common control are the following in the present case: the disputed domain names are registered with the same registrar. The disputed domain names have been used to resolve to identical websites. The disputed domain names follow the same naming pattern consisting of variant of the Complainant's trademark, together with the terms "online" and "apps" or "system". Furthermore, the disputed domain names <onlinessynopsyssapps.cc> and <onlinesynopsyssapps.cc> were registered only days apart and are almost identical. The Respondents' contact details in the WhoIs records indicate the same owner's name for the disputed domain names <onlinesynopsyssapps.cc> and <onlinessynopsysssystem.cc>. Finally, all three disputed domain names were registered in the name of the same privacy service with an address in the United Kingdom.

On the other hand, the Respondents' contact details in the WhoIs records indicate different street addresses (all in London), telephone numbers, email addresses and for the disputed domain name <onlinessynopsyssapps.cc> a different registrant.

In view of the above, on the balance of probabilities, the Panel is of the view that the conditions for consolidation are satisfied in the present case. The identical design of the three websites operated under the disputed domain names, the naming pattern, the identity of the names indicated in the WhoIs records for two of the disputed domain names, combined with the choice of the same registrar and the registration in the same timeframe, are unlikely to result from a mere coincidence. In addition, consolidation will not be detrimental to any of the Respondents. The Respondents did not file a response to the Complaint, and did not express any opposition to the consolidation. Such being the case, the Panel considers that consolidation is fair and equitable to all Parties.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

II. Material conditions

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 names. [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 the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Indeed, the Complainant's mark SYNOPSIS remains clearly recognizable in the disputed domain names despite the presence of an additional letter "s" at the beginning and/or at the end of the mark.

Although the addition of other terms, here "online", "apps" and "system", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

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.

In the case at hand, the disputed domain names appear to have been used to impersonate the Complainant as part of an employment phishing scheme and/or to mislead Internet users into disclosing personal identifying information. UDRP panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Given the phishing scheme that the Respondent seems to have operated, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names.

Having reviewed the available record, the Panel finds the Complainant as 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.

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.

In the present case, the Panel notes that the Respondent used the disputed domain names in connection with active websites purporting to be official websites of the Complainant and displaying the Complainant's trademark and logo. There is no doubt accordingly that the Respondent was aware of the Complainant's trademark at the time of registration of the disputed domain names. The Panel therefore accepts that the disputed domain names were registered in bad faith.

Furthermore, it is likely that the websites corresponding to the disputed domain names have encouraged the communication by Internet users of their personal data so that there is a risk that the disputed domain names have been used for phishing purposes.

Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. Many such cases involve the respondent's use of the disputed domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant's actual or prospective customers.” [WIPO Overview 3.0](#), section 3.4.

Accordingly, the Panel finds that the Respondents' conduct of sending fraudulent emails and conducting a phishing scheme to deceive potential candidates and obtain confidential and sensitive information constitutes use in bad faith.

The use of the disputed domain names by the Respondent was also apt to mislead Internet users into believing that the websites at the disputed domain names were the official websites of the Complainant. By using the disputed domain names in such manner, the Respondent intentionally attempted to attract, for the purposes of commercial gain, Internet users its websites by creating a likelihood of confusion with the Complainant's mark as to the source and affiliation of these websites. Such behavior constitutes use in bad faith under paragraph 4(b)(iv) of the Policy.

Based on the available record, 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 <onlinessynopsyssapps.cc>, <onlinessynopsysssystem.cc>, and <onlinessynopsyssapps.cc> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: December 14, 2023