

## ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. Mei Wang  
Case No. D2024-0731

### 1. The Parties

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

The Respondent is Mei Wang, China.

### 2. The Domain Name and Registrar

The disputed domain name <syngenta.shop> is registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2024. On February 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 20, 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 on February 21, 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 the Respondent of the Complaint, and the proceedings commenced on February 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2024.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on March 25, 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, science-based agricultural technology company with 30,000 employees in 90 countries. The Complainant has been Chinese-owned since 2017. The Complainant's goods and services include agrochemicals, crop protection and seeds.

The Complainant owns trademarks valid in numerous countries including:

SYNGENTA, International trademark, registration number 732663, registered on March 8, 2000, in classes 1, 2, 5, 7, 8, 9, 10, 16, 29, 30, 31, 32, 35, 36, 41, and 42; and

SYNGENTA, United States Patent and Trademark Office, registration number 3036058, registered on December 27, 2005, currently renewed in classes 1, 5, 16, 31, 36, 41, and 42.

The Complainant also owns domain names including <syngenta.com>, <syngentadigitalapps.com>, <syngenta.com.au>, <syngenta.fr>, <syngenta-us.com>, <syngenta.cn>, <syngenta.co>, <syngenta.co.uk>, <syngenta.de>, <syngenta.ru>, and <syngenta.vn>.

The Respondent has not provided any background information beyond the contact details provided to the Registrar at the time of registration of the disputed domain name on December 15, 2023. The disputed domain name has resolved to a page on the website "www.dan.com" where it has been offered for sale for USD 1,450 or for lease.

On December 19, 2024, the Complainant sent an email to the Respondent, notifying the Respondent that the disputed domain name infringed the Complainant's trademark, and requesting a transfer to the Complainant at an early date. The Respondent replied asking for a payment of USD 1,000 in return for the disputed domain name registration, which the Complainant rejected.

#### **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 it has rights in its trademark and that the disputed domain name comprises that trademark wholly, and is therefore identical. The Complainant submits that the Top Level Domain ("TLD"), in this instance, ".shop", is usually disregarded in the determination of confusing similarity under the Policy.

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant and has not been authorized to use the Complainant's trademark. The disputed domain name has resolved to a hosting page on which it was offered for sale.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. As stated under Rights and Legitimate Interests above, the disputed domain name has been on offer for sale at an asking price of USD 1,450, which would be significantly above registration costs.

The Complainant says the Respondent, being apparently located in China, would likely have been aware of the Complainant, since its takeover by Chinese interests in 2017 was well reported internationally.

The disputed domain name is not being actively used in trade but has the potential to confuse visitors into believing it to be a legitimate place of business of the Complainant. The use of the disputed domain name has not been for a bona fide offering of goods or services or a legitimate noncommercial or fair use, and therefore has been in bad faith.

On December 19, 2023, the Complainant contacted the Respondent to request the cessation of use of the disputed domain name and its transfer to the Complainant. The Respondent's reply said the Complainant had the choice of buying the disputed domain name for USD 1,000 or of facing the high costs and longer timeframe of pursuing a Complaint under the Policy.

The Complainants requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **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 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.

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 entirety of the mark is reproduced 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 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 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 such as those enumerated in the Policy or otherwise.

In particular, there is no evidence the disputed domain name is in active use or in use for a bona fide supply of goods or services, or for a legitimate fair or noncommercial purpose, and there is no evidence the Respondent has been known by a name similar to the disputed domain name.

Furthermore, the Panel finds that because the disputed domain name is identical to the Complainant's trademark any use of such domain name by the Respondent carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

Paragraph 4(b)(i) of the Policy reads as follows:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name”.

The screen capture produced in evidence by the Complainant prior the UDRP Complaint makes clear that the disputed domain name has resolved to a parking page where it has been offered for sale for USD 1,450, and since there has been no other known usage, the registration would reasonably appear to have been made primarily for the purpose of sale to the Complainant or to a competitor of the Complainant.

A transcript of an item in the brief correspondence between the Complainant and the Respondent provides the necessary evidence in such clarity that it is quoted in full below. After the Complainant refused to pay for the disputed domain name, the Respondent wrote in Chinese (translated into English through Google):

“I appreciate your continued communication with me regarding the Syngenta.shop domain name. I understand and respect your company's position in safeguarding its trademark rights. However, as a legitimate domain name investor, my investment in registering and maintaining the domain name also deserves fair treatment and respect. My investment involves not only money, but also my investment of time and energy.

Please allow me to clarify that your company has only two options for acquiring this domain name:

1. Pay me \$1,000 directly to complete the domain transfer quickly and efficiently;
2. Fight for rights through WIPO's UDRP process.

However, please note that choosing the UDRP procedure not only involves the prosecution fee itself, which is as high as US\$1,500, but also requires high translation costs due to the use of Chinese in the domain name registration place, as well as possible attorney fees. The total cost of these additions will be much greater than the direct purchase of domain names, and the time will also be longer.

I provide this information to ensure that when your company makes a decision, it fully considers the economic and time costs of its options. I believe that negotiating the domain name transfer directly with me is a more economical and efficient solution.

Please inform your company of your decision before December 28th so that I can arrange accordingly.

Thanks.  
(signed)"

From the Respondent's letter, it may be deduced that the Respondent: understands the Complainant has trademark rights; is in the business of selling domain names for profit; understands the benefits to the Respondent of a quick turnover; is well aware of the functioning of the UDRP; and has tried strenuously to apply the leverage of the "much greater" costs of using the UDRP including associated legal, ancillary and translation costs, in order to pressure a quick settlement.

The syntax of the Respondent's letter is at least consistent with it having been composed initially in English, then presented to the Complainant in Chinese as a form of additional leverage. The Panel notes that the Registrar confirmed the language of the registration agreement, and consequently of these proceedings, to be English: paragraph 11(a) of the Rules.

On the evidence including the context and content of the Respondent's letter quoted above, the Panel finds on the balance of probabilities that the disputed domain name was registered and is being used primarily for the purpose of selling or renting to the Complainant or to a competitor of the Complainant for valuable consideration in excess of the costs of registration: paragraphs 4(a)(iii) and 4(b)(i) of the Policy.

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.shop> be transferred to the Complainant.

*/Dr. Clive N.A. Trotman/*

**Dr. Clive N.A. Trotman**

Sole Panelist

Date: April 8, 2024