

ADMINISTRATIVE PANEL DECISION

Syngenta Participations AG v. Lindsay Chicoine
Case No. D2022-3553

1. The Parties

The Complainant is Syngenta Participations AG, Switzerland, represented by Michelle O`Neil, Switzerland.

The Respondent is Lindsay Chicoine, United States of America.

2. The Domain Name and Registrar

The disputed domain name <syneqnta.com> is registered with Google LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 26, 2022. On September 26, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 27, 2022, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 on September 27, 2022.

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 of the Complaint, and the proceedings commenced on October 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 24, 2022.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on October 27, 2022. 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 agtech company with 30,000 employees in 90 countries dedicated to the purpose of bringing plant potential to life.

The Complainant sells vegetable and flower seeds and offers solutions that protect crops from weeds, insects and diseases. In 2021, it had global sales of over USD 16 billion.

The Complainant owns numerous registered trademarks for SYNGENTA in countries worldwide, including:

- International Trademark No. 732663, registered on March 8, 2000, designating *inter alia* Finland, Germany, and Norway covering goods and services in classes 01, 02, 05, 07, 08, 09, 10, 16, 29, 30, 31, 32, 35, 36, 41, and 42.

- United States Trademark No. 3036058, registered on December 27, 2005, covering goods and services in classes 01, 05, 16, 31, 35, 36, 41, and 42.

The Complainant is also the owner of the domain names <syngenta.com>, <syngenta.biz>, <syngenta.org>, <syngenta.co.uk>, <syngenta.co>, <syngenta.cn>, <syngenta-us.com>, <syngenta.fr>, <syngenta.de>, <syngenta.ru>, and <syngenta.vn>.

The Complainant sent a cease-and-desist email on August 23, 2022 to the Respondent, informing of its intellectual property rights. The Respondent did not respond to the Complainant.

The disputed domain name was registered on August 15, 2022, and does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant argues that the only element of difference between the disputed domain name and the Complainant's trademark is the inversion of the letter "g" and the letter "e" in the second syllable.

The Complainant argues that the disputed domain name is confusingly similar to its well-known SYNGENTA trademarks as the inversion of the letters do not change the optics of "Syngenta".

The Complainant in fact considers that the disputed domain name is a clear typo variation of its well-known mark as the first and last syllables remain identical and it is hard to distinguish between "Syngenta" and "Synegnta".

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant and there is no evidence to suggest that the Respondent has registered the disputed domain name to advance legitimate interests. The Complainant has never licensed or otherwise permitted the Respondent to use its trademark or to register any domain name including its trademark.

The Complainant further argues that the disputed domain name was registered and is being used in bad faith, within the meaning of paragraph 4(b)(iv) of the Policy.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must prove that:

- (i) the disputed domain name 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 disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

In the present case, the disputed domain name <synegnta.com> is similar to the Complainant's registered trademark SYNGENTA.

The Complainant has shown it owns trademark rights in the SYNGENTA trademark.

The disputed domain name is confusingly similar to the Complainant's trademark SYNGENTA. The disputed domain name merely inverts the letter "g" and the letter "e" in between, which is not sufficient to prevent its confusing similarity with the Complainant's trademark.

Thus, the Panel finds that this is a typical typo-squatting case, since the disputed domain name reproduces the Complainant's trademark in its entirety but with a minor alteration of the letters, which does not change the overall impression that the Complainant's trademark is sufficiently recognizable within the disputed domain name.

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), states as follows, in section 1.9:

"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.

[...]

Examples of such typos include [...] the inversion of letters and numbers [...]."

Therefore, the Panel concludes that the Complainant has satisfied the first requirement of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

According to the Policy, paragraph 4(a)(ii), the Complainant has to demonstrate that the Respondent has no rights or legitimate interests in the disputed domain name.

There is nothing in the available case file to suggest that the Respondent is in any way affiliated with the Complainant, nor has the Complainant authorized or licensed the Respondent to use its trademarks, or to seek registration of any domain name incorporating its trademarks. Therefore, the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has not made any submissions or any demonstrations that it has rights or legitimate interests in the disputed domain name.

In *Guerlain S.A. v. Peikang*, WIPO Case No. [D2000-0055](#), the panel stated that: “in the absence of any license or permission from the Complainant to use any of its trademarks or to apply for or use any domain name incorporating those trademarks, it is clear that no actual or contemplated *bona fide* or legitimate use of the domain name could be claimed by Respondent.”

The Panel finds no evidence that the Respondent has used, or undertaken any demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering goods or services.

Likewise, no evidence has been adduced that the Respondent has been commonly known by the disputed domain name; nor, for the reasons mentioned above, is the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

The Panel concludes, noting that the Respondent lacks any rights or legitimate interests in the disputed domain name, that the second element of the Policy has, therefore, been met.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must show that the Respondent registered and is using the disputed domain name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

The Panel considers that the disputed domain name is a misspelling of the Complainant’s SYNGENTA trademark, differing from it only by inverting the letter “g” and the letter “e”. It is well settled that the practice of typo-squatting constitutes obvious evidence of the bad faith registration of a domain name. See *Lexar Media, Inc. v. Michael Huang*, WIPO Case No. [D2004-1039](#) (“Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name”); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) (“[typosquatting] is presumptive of registration in bad faith”).

UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos) to a famous or widely-known trademark by an unaffiliated entity, as is the case here, can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4

Furthermore, the non-use of the disputed domain name does not prevent a finding of bad faith use in these circumstances, noting, in particular, the implausibility of any good faith use to which the typo-squatting disputed domain name could be put, but also (i) the failure of the Respondent to submit a response, (ii) concealment of the identity of the Respondent, and (iii) the distinctiveness of the Complainant’s trademark. See [WIPO Overview 3.0](#), section 3.3.

The Panel therefore accepts the Complainant's allegations as undisputed facts and concludes that the Respondent registered and is using the disputed domain name in bad faith.

For these reasons, the Panel holds that the Complainant has met its burden of showing that the Respondent registered and is using the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy. The third element of the Policy has, therefore, been met.

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, <synegnta.com>, be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: November 10, 2022