

## **ADMINISTRATIVE PANEL DECISION**

### **Syngenta Participations AG v. Kathleen Carter Case No. D2024-3642**

#### **1. The Parties**

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

The Respondent is Kathleen Carter, United States of America.

#### **2. The Domain Name and Registrar**

The disputed domain name <syngentapestcontrolhub.shop> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 9, 2024. On September 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 10, 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 (Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 amendment to the Complaint on September 12, 2024.

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 September 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 7, 2024.

The Center appointed Daniel Peña as the sole panelist in this matter on October 16, 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 (short for “agricultural 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 registered the trademark SYNGENTA world-wide in 1999, and has many trademark registrations including International Trademark SYNGENTA, Registration No. 732663 in classes 1, 2, 5, 7, 8, 9, 10, 16, 29, 30, 31, 32, 35, 36, 41, and 42, as of March 8, 2000, with designations inter alia Iceland, Germany, China, the Russian Federation, and Viet Nam, among many others.

The Complainant together with the Complainant’s affiliates ha also registered SYNGENTA in numerous jurisdictions as national marks, including in the United States of America, Registration No. 3036058, registered on December 27, 2005, for goods in numerous classes including chemicals used in science, antibiotics, fungicides, and agricultural products of various kinds.

The disputed domain name was registered on July 31, 2024.

#### **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 the disputed domain name is confusingly similar to the trademark SYNGENTA. The only difference between this trademark and the disputed domain name is the term “pest control hub”.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant also contends that the Respondent has no affiliation with the Complainant nor is the Respondent authorized to use the Complainant’s registered trademark.

The Complainant establishes that the disputed domain name is resolving to a page selling pest control products some of which appear to be the Complainant’s products. The Respondent has used the Complainant’s trademark and pictures of the Complainant’s products to pose as an official site of the Complainant and to mislead the public into thinking the website, and therefore, the content is created or authorized by the Complainant.

The Complainant contends that there are inconsistencies within the website and the disputed domain name was registered anonymously which adds to evidence of bad faith since it makes finding and corresponding with the Respondent very difficult.

Consequently, by referring to the above-mentioned contentions, the Respondent must be considered to have registered and be using the disputed domain name in bad faith.

##### **B. Respondent**

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

## 6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. Considering these requirements, the Panel rules as follows:

### A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant has provided evidence of its rights in the trademarks SYNGENTA on the basis of its multiple trademark registrations including its international trademark registration and the United States of America.

A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.2.1). It has also been established by prior UDRP panels that incorporating a trademark in its entirety into a domain name can be sufficient to establish that the domain name is confusingly similar to a trademark. Such findings were confirmed, for example, within section 1.7 of the [WIPO Overview 3.0](#).

The Respondent’s incorporation of the Complainant’s SYNGENTA trademark in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant’s mark. Mere addition of the terms “pest,” “control”, and “hub” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s mark SYNGENTA because the Complainant’s SYNGENTA mark remains clearly recognizable in the disputed domain name. As noted in [WIPO Overview 3.0](#), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element.” Furthermore, the addition of the generic Top-Level Domain (“gTLD”) “.shop” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights, meaning that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

In accordance with paragraph 4(a)(ii) of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel observes that there is no relationship, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Panel also finds that there is no indication that the Respondent is commonly known by the disputed domain name.

The Complainant claims that the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the Complainant’s trademarks in a domain name or in any other manner. Furthermore, the disputed domain name directs to a commercial website that allegedly offers the Complainant’s products, without any disclaimer as to the relation with or authorization of the Complainant, exacerbating the user confusion as to the website’s affiliation to the Complainant.

Such use for deliberately attracting Internet users to its website in the mistaken belief that it is a website of the Complainant, or otherwise linked to or authorized by the Complainant supports a finding that the Respondent lacks rights to or legitimate interests in the disputed domain name.

The Respondent did not submit a Response or attempt to demonstrate any rights or legitimate interests in the disputed domain name, and the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b).

The Panel finds the Respondent has no rights or legitimate interests in respect of the disputed domain name and that paragraph 4(a)(ii) of the Policy is satisfied. The Panel concludes that the Respondent deliberately chose to include the Complainant's SYNGENTA trademarks and logo in both the composition of the disputed domain name and the website to which it resolves, in order to achieve commercial gain by misleading third parties, and that such use cannot be considered as a legitimate noncommercial or fair use. The Panel finds that the composition of the disputed domain name, including the Complainant's mark in its entirety and the terms "pest," "control", and "hub" related to the Complainant's field of activities, carries a risk of implied affiliation with the Complainant.

Given the above, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant (the owner of the trademark or service mark) or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location. In the Panel's view, a finding of bad faith may be made where the Respondent "knew or should have known" of the registration and/or use of the trademark prior to registering the disputed domain name.

In this case, the Complainant submits that at the date of registration of the disputed domain name, the Respondent knew or should have known of the Complainant's mark SYNGENTA considering the global renown of the Complainant's prior mark and the website content targeting the Complainant's logos and services. The Panel observes that the disputed domain name combines the SYNGENTA mark with the descriptive terms "pest," "control," and "hub," all of which relate to the Complainant's products that may include pest control substances. Additionally, the disputed domain name directs to a website featuring the Complainant's logo and purportedly offers the Complainant's products.

The Panel is satisfied that by directing the disputed domain name to a commercial website allegedly offering the Complainant's products, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark SYNGENTA as to the source, sponsorship, affiliation, or endorsement of its website or of the products on its website (see section 3.1.3 of the [WIPO Overview 3.0](#)). Under paragraph 4(b)(iv) of the Policy, this circumstance shall be evidence of the registration and use of a domain name in bad faith. Having considered the Complainant's submissions and in the absence of a Response, the Panel accepts the Complainant's submission that on the evidence there is no plausible circumstance under which the Respondent could register or use the disputed domain name in good faith.

Consequently, the Panel finds that the disputed domain name was registered and used by the Respondent in bad faith within Paragraph 4(a)(iii) 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 <syngentapestcontrolhub.shop> be transferred to the Complainant

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: October 30, 2024