

## **ADMINISTRATIVE PANEL DECISION**

Syngenta Participations AG v. Milinda May  
Case No. D2024-4066

### **1. The Parties**

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

The Respondent is Milinda May, United States of America (“United States”).

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

The disputed domain name <syngentarecruits.com> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 3, 2024. On October 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 3, 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 Registration, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 4, 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 October 7, 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 October 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 30, 2024. The Respondent submitted a Response on October 31, 2024 (the “Response”).

The Center appointed Gabriela Kennedy as the sole panelist in this matter on November 5, 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, which has products including agrochemicals for crop protection as well as vegetable and flower seeds.

The Complainant owns various word and figurative trademarks for the SYNGENTA mark in multiple jurisdictions. The relevant trademark registrations include, inter alia, International Trademark Registration No. 732663 for SYNGENTA in Classes 1, 2, 5, 7, 8, 9, 10, 16, 29, 30, 31, 32, 35, 36, 41, and 42 registered on March 8, 2000, and the United States Trademark Registration No. 3036058 registered on December 27, 2005 for SYNGENTA in Classes 1, 5, 16, 31, 35, 36, 41, and 42 (the “Complainant’s Trademark”).

The Complainant’s Trademark is also fully incorporated in its domain names, including, inter alia, <syngenta.com>, <syngenta.fr>, <syngenta-us.com>, <syngenta.de>, <syngenta.cn>, <syngenta.co.uk>, and <syngenta.com.au>.

The Disputed Domain Name was registered by the Respondent on September 21, 2024, which is many years after the Complainant’s Trademark was first registered. At the time of the filing of the Complaint, the Complainant claimed that the Disputed Domain Name resolved to an active website having the words “Syngenta Recruits” and “Syngenta Transition Sites” superimposed over a field of lettuce, and such website also purportedly included a “subscribe function”. At the time of the rendering of this Decision, the Panel notes that the Disputed Domain Name resolves to a parked domain landing webpage hosting a number of commercial pay-per-click (“PPC”) links advertising services unrelated to the Complainant’s businesses (the “Respondent’s Website”).

#### **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:

- (a) The Disputed Domain Name is confusingly similar to the Complainant’s Trademark. The Complainant’s Trademark is reproduced in its entirety in the Disputed Domain Name. The only difference between the Disputed Domain Name and the Complainant’s Trademark is the term “recruits”, which should not prevent a finding of confusing similarity and may be disregarded.
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent is not affiliated with the Complainant in any way, and the Complainant has not authorized the Respondent to use the Complainant’s Trademark.
- (c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. Given the global reputation of the Complainant’s Trademark and the Respondent’s use of agricultural imagery on the Respondent’s Website, the Respondent must have been fully aware of the Complainant’s business when the Respondent registered and used the Disputed Domain Name. At the time of the filing of the Complaint, the Disputed Domain Name purportedly resolved to an active website with the words “Syngenta Recruits” and “Syngenta Transition Sites” superimposed over a field of lettuce. By using the Complainant’s Trademark and

agricultural imagery in the Respondent's Website, the Respondent attempted to deceive the public into thinking the Respondent's Website, as well as the content in the Respondent's Website is created or authorized by the Complainant. Further, the Respondent had purportedly included a "subscribe" function on the Respondent's Website which purportedly invites Internet users to sign-up with their email addresses to receive "updates", which is an attempt by the Respondent to harvest email addresses from unsuspecting individuals. Therefore, the Disputed Domain Name is not being used in a bona fide offering of goods or services, nor for a legitimate noncommercial or fair use.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions within the specified time frame. On October 31, 2024, the Respondent filed the Response, claiming that she planned on putting her information into a website to include her curriculum vitae to send along with her job application. The Respondent claimed that she was not aware that she was violating any procedure. Once the Respondent was contacted, she claimed that she had immediately deleted the Disputed Domain Name. Apart from the above Response, the Panel is not aware of any further response to the Complainant's contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 has been registered and is being used by the Respondent in bad faith.

### **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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, it is well established that the gTLD, ".com" in this case, may be disregarded for the purposes of assessing confusing similarity under the first element. See section 1.11.1 of the [WIPO Overview 3.0](#). Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, in this case "recruits", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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. The Panel also notes that if a respondent fails to file a response, it may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes the distinctiveness and worldwide reputation of the Complainant’s Trademark, and the fact that the Complainant has not provided any authorization of any kind to the Respondent to use the Complainant’s Trademark or to apply for or use any domain name incorporating the Complainant’s Trademark. The Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant. The reproduction of the Complainant’s Trademark together with the term “recruits”, implying employment opportunities, also carries a risk of implied affiliation as the Disputed Domain Name may suggest sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

There is also no evidence to suggest that the Respondent’s use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or be regarded as legitimate non-commercial or fair use. The Panel considers that the Respondent’s Response dated October 31, 2024 does not satisfactorily address the Complainant’s contentions. Rather, the Response appears as an admission that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Panel also finds it hard to conceive the purported use of the Disputed Domain Name by the Respondent to upload curriculum vitae for job application, given that the Respondent’s Website had purportedly invited Internet users to sign up with their email addresses to subscribe for “updates”, and such subscribe function was not consistent with the Respondent’s contention that the Disputed Domain Name was used by her for job application purposes. Moreover, given the use of Complainant’s Trademark and the agricultural imagery on the Respondent’s Website, it is unclear to Internet users visiting the Respondent’s Website that it is not operated by the Complainant. The Respondent’s Website also did not provide any prominent link (and did not include any explanatory text) to the Complainant’s website. Therefore, the Panel notes that the use of the Disputed Domain Name by the Respondent does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Panel notes that the Disputed Domain Name now resolves to a parked page hosting commercial PPC links. Panels have previously found that the use of a domain name cannot represent a bona fide offering where the sole purpose of the disputed domain name is to resolve to PPC advertising websites and collect click-through revenue from advertising links (see *VKR Holding A/S v. Wu Yu*, WIPO Case No. [D2022-0744](#); see also *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#); and *Legacy Health System v. Nijat Hassanov*, WIPO Case No. [D2008-1708](#)).

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 failed to rebut the Complainant’s prima facie showing and has not provided any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

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 it is difficult to conceive of any plausible use of the Disputed Domain Name that would amount to good faith use, given that it has incorporated the Complainant's Trademark in its entirety. The Respondent intentionally registered the Disputed Domain Name to attract Internet users to the Respondent's Website by creating a likelihood of confusion with the Complainant's Trademark. See section 3.1 of the [WIPO Overview 3.0](#). Also, as discussed above, the Respondent lacks any rights or legitimate interests in the Disputed Domain Name (see *Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)). Further, the Respondent failed to address the Complainant's contentions and also failed to provide evidence of its actual or contemplated good faith use of the Disputed Domain Name.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well-known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent is likely to have been fully aware of the Complainant and the Complainant's Trademark when it registered the Disputed Domain Name, given the well-known nature of the Complainant's brand, evidenced by the various trademark registrations for the Complainant's Trademark across the globe that was put into use well before the Respondent registered the Disputed Domain Name. The Panel also notes the Respondent's unauthorized use of the Complainant's Trademark in the Disputed Domain Name and on the Respondent's Website, the use of agricultural imagery on the Respondent's Website, and the fact that the Disputed Domain Name only differs from the Complainant's Domain Name by the addition of "recruits" may mislead the public into believing that the Disputed Domain Name is connected to the Complainant.

The Panel notes that the Disputed Domain Name now resolves to a parked page comprising PPC links. While the intention to earn commercial revenue from PPC links is not in and of itself evidence of bad faith, previous panels have found that the use of a domain name deceptively similar to a complainant's trademark to obtain click-through revenue supports a finding of bad faith use (see *VKR Holding A/S v. Wu Yu*, WIPO Case No. [D2022-0744](#)). Given that the Disputed Domain Name wholly incorporates the Complainant's Trademark, the Panel therefore finds it difficult to conceive that the Respondent is not using the Disputed Domain Name to intentionally attract, for commercial gain, Internet users to the Respondent's Website by creating a likelihood of confusion with Complainant's Trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's Website.

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 <syngentarecruits.com> be transferred to the Complainant.

*/Gabriela Kennedy/*

**Gabriela Kennedy**

Sole Panelist

Date: November 22, 2024