

## **ADMINISTRATIVE PANEL DECISION**

Synopsys, Inc. v. Registration Private, Domains By Proxy, LLC / Thomas Ryan, PROVIDE SECURITY, LLC  
Case No. D2022-2845

### **1. The Parties**

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

Respondent is Registration Private, Domains By Proxy, LLC, United States / Thomas Ryan, PROVIDE SECURITY, LLC, United States.

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

The disputed domain name <synopsysappsec.com> 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 August 2, 2022. On August 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 Complainant on August 4, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 9, 2022.

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 Respondent of the Complaint, and the proceedings commenced on August 10, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 30, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 5, 2022.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on September 15, 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**

Complainant, Synopsys, Inc., is a United States corporation engaged in electronic design automation. Complainant assists companies in developing, designing and manufacturing various cutting edge products by providing a variety of solutions for smart technologies such as, by way of example, designing and verifying advanced silicon chips and offering interface IT support, application security testing, and software composition analysis.

Complainant owns several trademark registrations for SYNOPSIS in jurisdictions around the world, including, *inter alia*, in the United States (Registration Nos. 1601521 and 1618482, which issued to registration respectively on June 12, 1990 and October 23, 1990), the European Union (Registration No. 000181172, which issued to registration on February 1, 1999), and India (Registration No. 603839, which issued to registration on August 12, 1993). Complainant also owns and uses several domain names that consist of the SYNOPSIS mark, including <synopsys.com> which is used for a primary website concerning Complainant and its products and services.

Respondent is based in the United States and registered the disputed domain name on April 22, 2022. Respondent has used, and currently uses, the disputed domain name with a website featuring the title “Fortify Trumps Synopsys” along with a logo and video for “Fortify,” the name and mark of an application security product offered by a competitor of Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant maintains that it has used the SYNOPSIS mark since 1988 and that as a result the SYNOPSIS mark is well-known and enjoys much renown in its field of interest. Complainant also maintains that it has strong rights in its SYNOPSIS mark by virtue of Complainant’s many trademark registrations around the world and through Complainant’s online presence.

Complainant asserts that the disputed domain name is confusingly similar to Complainant’s SYNOPSIS mark as it leads with the clearly identifiable SYNOPSIS mark followed by the non-distinguishing element “appsec,” which stands for “application security.”

Complainant contends that Respondent does not have rights or legitimate interests in the disputed domain name as Respondent (i) is not a licensee of, otherwise affiliated with or authorized by Complainant, (ii) is not commonly known by the disputed domain name, and (iii) is not using the disputed domain name for a legitimate noncommercial or fair use criticism purpose as Respondent is using the disputed domain name to mislead and redirect consumers to a website that promotes a product of a competitor.

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith as Respondent was more than likely aware of Complainant and its SYNOPSIS mark given the renown of the SYNOPSIS mark, the incorporation of SYNOPSIS with the element “appsec” which relates directly to Complainant’s field of interest in the disputed domain name, and the references to the SYNOPSIS mark on Respondent’s website promoting a competing product.

## B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

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

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and are being used in bad faith.

### A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. Section 1.2.1. of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Complainant has provided evidence that it owns trademark registrations for the SYNOPSIS mark in a number of jurisdictions around the world, including in the United States where Respondent appears to be based, and that such issued to registration well before Respondent registered the dispute domain name.

With Complainant's rights in the SYNOPSIS mark established, the remaining question under the first element of the Policy is whether the disputed domain name (typically disregarding the generic Top-Level Domain such as ".com") is identical or confusingly similar with Complainant's mark. See *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#). The threshold for satisfying this first element is low and generally panels have found that fully incorporating the identical mark in a disputed domain name is sufficient to meet this UDRP requirement.

In the instant proceeding, the disputed domain name is confusingly similar to Complainant's SYNOPSIS mark as it fully incorporates the SYNOPSIS mark. The addition of the abbreviation "appsec" (which likely stands for "application security") does not prevent a finding of confusing similarity as the SYNOPSIS mark is clearly recognizable in the disputed domain name. The Panel therefore finds that Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in Complainant's SYNOPSIS mark and in showing that the disputed domain name is confusingly similar to that trademark.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the complainant must make at least a *prima facie* showing that the respondent possesses no rights or legitimate interests in a disputed domain name. *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once the complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

The evidence before the Panel shows that Respondent has used the disputed domain name with a website that on its face suggests a connection with Complainant, particularly as Complainant offers application security testing solutions. While Respondent's website at the disputed domain name uses the title "Fortify Trumps Synopsis," which in and of itself could suggest some form of comparative advertising, possible criticism of Complainant's products or other fair use commentary, the website does not actually comment on or draw any comparisons with Complainant's SYNOPSIS products or services, but primarily promotes the product of a third party through a link to a video on YouTube for a two-factor authentication support product

or service. Moreover, the disputed domain name itself does not communicate or suggest some form of comparative advertising, criticism or commentary regarding Complainant and its products and service. If anything, the disputed domain name is designed to misleadingly suggest a connection with Complainant and its SYNOPSIS security products and services. Given Respondent's failure to appear and explain its actions, it seems more likely than not that Respondent has used, and is using, the disputed domain name to attract and redirect web traffic to Respondent's website for Respondent's benefit, whether financial or for some other competitive or beneficial advantage.

As Complainant has established with sufficient evidence that it owns rights in the SYNOPSIS mark, and given Respondent's above noted actions and failure to appear in this proceeding, the Panel concludes that Respondent does not have a right or legitimate interest in the disputed domain name and that none of the circumstances of paragraph 4(c) of the Policy are evident in this case.

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

In view of Respondent's actions as noted above, and its failure to contest Complainant's contentions, it is not difficult for the Panel to infer that Respondent's use of the disputed domain name which prominently consists of Complainant's SYNOPSIS mark has been done to attract and redirect consumers to Respondent's website to promote a competing product for the benefit of Respondent. While it is not altogether clear whether Respondent directly financially benefits from the web traffic that flows through the disputed domain name, it appears that Respondent is gaining some benefit from using a domain name that consumers will likely perceive as being connected to Complainant to then promote a competing and unrelated product. Such use is opportunistic and more than likely done in bad faith. See WIPO Overview at sections 3.1.3 and 3.1.4. ([WIPO Overview 3.0](#)).

Accordingly, Complainant succeeds on this element.

### **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 <synopsysappsec.com> be transferred to Complainant.

*/Georges Nahitchevansky/*

**Georges Nahitchevansky**

Sole Panelist

Date: September 26, 2022