

ADMINISTRATIVE PANEL DECISION

Synopsys, Inc. v. Andrew Tuinstra
Case No. D2024-0616

1. The Parties

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

The Respondent is Andrew Tuinstra, United States.

2. The Domain Name and Registrar

The disputed domain name <synopsysjobs.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 9, 2024. On February 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to Complainant on February 14, 2024, 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 February 16, 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 Respondent of the Complaint, and the proceedings commenced on February 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 12, 2024.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on March 14, 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 publicly traded technology company founded in 1986. The Complainant is a worldwide leader in providing solutions for designing and verifying advanced silicon chips, and for designing processes and models to manufacture those chips.

The Complainant owns many worldwide registrations for its SYNOPSIS trademarks, including for example: United States Trademark Registration No. 1601521 (service mark), registered June 12, 1990 in International Class 42; United States Trademark Registration No. 1618482, registered October 23, 1990 in International Class 9; Australian Trademark Registration No. 607361, registered July 22, 1993 in International Trademark Class 9; Canadian Trademark Registration No. TMA 458822, registered June 7, 1996 in International Class 9.

The disputed domain name was registered January 26, 2024 and routes to a registrar-provided parking page.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for transfer of the disputed domain name.

The Complainant submits evidence that it received a report from a member of the public that the disputed domain name is being used for a fraudulent phishing scheme targeting prospective employees of the Complainant. The evidence includes email correspondence using the Complainant's trademark and the disputed domain name to make an offer of employment and solicit from that member of the public a photographic copy of check bank deposit account details.

B. Respondent

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

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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, the term “jobs”) may bear on assessment of the second and third elements, the Panel finds the addition of the term “jobs” does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of Paragraph 4(a) 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

The Complainant presents evidence that the disputed domain name is being used as part of a fraudulent phishing scheme, targeting prospective employees of the Complainant. UDRP Panels have held that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the second element of Paragraph 4(a) of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that the third element of Paragraph 4(a) of the Policy is also satisfied, as explained below.

For purposes of paragraph 4(a)(iii) of the Policy, the Panel notes that paragraph 4(b) of the Policy establishes circumstances that, in particular, but without limitation, 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) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

While the disputed domain name routes to a parking page with no active content, the Complainant provides undisputed evidence that the disputed domain name is being used for a fraudulent phishing scheme targeting prospective employees of the Complainant and that the scheme also uses the Complainant’s trademark without authorization.

UDRP Panels have held that the use of a domain name for illegal activity, here, phishing and unauthorized use of the SYNOPSIS trademark, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel therefore finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Further, Panels have also found that the non-use of a domain name (including a blank or parking page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name to display active content does not prevent a finding of bad faith in the circumstances of this proceeding.

The Panel finds that the Complainant has established the third element of Policy Paragraph 4(a).

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 <synopsysjobs.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: March 27, 2024