

## **ADMINISTRATIVE PANEL DECISION**

Syngenta Crop Protection AG v. chris millions, syngentaus  
Case No. D2025-0356

### **1. The Parties**

The Complainant is Syngenta Crop Protection AG, Switzerland, represented internally.

The Respondent is chris millions, syngentaus, United States of America.

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

The disputed domain name <syngentaus.online> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 2025, 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 0173649801) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 2025, 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 amended Complaint on January 30, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on January 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 21, 2025.

The Respondent sent an email dated February 21, 2025, in response to the Notification of Respondent Default. The Center acknowledged receipt of this communication on the same date and informed the Parties

that if they wish to explore settlement options, the Complainant should submit a request for suspension by February 28, 2025. No response was received and therefore the proceeding continued.

The Center appointed Richard C.K. van Oerle as the sole panelist in this matter on March 6, 2025. 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 agricultural technology company with 30,000 employees in 90 countries, which has products including agrochemicals for crop protection as well as vegetable and flower seeds.

The Complainant is the owner of several trademark registrations consisting of the term SYNGENTA, inter alia:

- International Trademark registration No. 732663, registered on March 8, 2000, with designations including Kenya, France, United Kingdom, Iceland, Germany, China, the Russian Federation and Viet Nam, among many others;

- United States of America Trademark registration No. 3036058, registered on December 27, 2005.

All registrations have been duly renewed and are still valid. The registrations will jointly be referred to, in singular, as the "Trademark".

The Complainant also owns many domain names including the term SYNGENTA, including: <syngenta.com>, <syngenta-us.com>, <syngentaus.com>, <syngenta.com.au>, <syngenta.fr>, <syngenta.cn>, <syngenta.co>, <syngenta.co.uk>, <syngenta.de>, <syngenta.ru>, and <syngenta.vn>.

The disputed domain name was registered on December 27, 2024, and resolves to a generic holding page.

#### **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 the disputed domain name is confusingly similar to the Trademark, since it contains the Trademark in whole along with the geographical abbreviation for the United States of America "us".

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name as the Complainant has no affiliation with the Complainant nor is the Respondent authorized to use the Complainant's Trademark.

The Complainant further alleges that the disputed domain name was registered and is being used in bad faith. Given the Complainant's global reputation, with global group sales in excess of USD 32 billion in 2023, it is difficult to believe that Respondent was not aware of Syngenta at the time the disputed domain name was registered. Although the disputed domain name currently resolves to a holding page for Zoho, the "non-use" of the disputed domain name does not preclude the possibility of bad faith. The disputed domain name is not being used in a bona fide offering of goods or services or in a legitimate noncommercial or fair use.

In addition, there is evidence that MX records have been set up for the disputed domain name. Any email from the “@syngentaus.online” address could be mistaken for legitimate Syngenta correspondence and expose the recipient to potential malicious activity such as phishing.

The disputed domain name was registered anonymously, which further demonstrates bad faith by making it very difficult to locate and correspond with the Respondent. The Complainant has sent notices of its intellectual property rights through the listed Whols email and the Privacy Contact form, but have not received a response.

The Complainant also contended that an examination of the underlying Whols information revealed significant discrepancies in the registrant's details. These inconsistencies include a phone number associated with Massachusetts, a Delaware zip code, and a purported city of “Newark” in Alabama. It is worth noting that while Newark is a well-known city in New Jersey, there is no such city in Alabama. Providing false or inconsistent Whols information is a clear indication of bad faith.

All of these factors taken together indicate a clear case of bad faith.

## **B. Respondent**

The Respondent sent an email dated February 21, 2025, in response to the Notification of Respondent Default stating that he is willing to cooperate and take the necessary steps to resolve this matter in accordance with the procedures in place.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following three elements in order to succeed in its Complaint:

- (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 in bad faith.

The burden of proof of each element is borne by the Complainant.

### **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 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.

The disputed domain name incorporates the entirety of the Complainant's Trademark with the mere addition of the geographical abbreviation for the United States “us”, which does not prevent a finding of confusing similarity.

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.

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 not rebutted the 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 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.

The Panel notes that Section 3.1.4 of the [WIPO Overview 3.0](#) states that “the mere registration of a domain name that is identical or confusingly similar (particularly domain name comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith”.

In the present case, the Panel notes that the Trademark is a famous and worldwide known trademark. On top of that the disputed domain name replicates the Trademark in its entirety, with the addition of “us”, which strongly suggests that the Respondent was aware of the Complainant and its Trademark. Therefore, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name is misleading Internet users. The composition of the disputed domain name (the Complainant’s trademark in combination with the geographical abbreviation for the United States of America “us”) strongly suggests that it redirects to a US-website of the Complainant, or a corporation associated with it. The composition of the disputed domain name carries a risk of implied affiliation. The Respondent has sought to create a misleading impression of association with the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

The provision of false contact information (or an additional privacy or proxy service) underlying a privacy or proxy service is a further indication of bad faith. [WIPO Overview 3.0](#), section 3.6.

The circumstances that the Respondent did not reply to the letter sent by the Complainant, nor respond formally to the Complaint, supports also a finding of registration and use in bad faith.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s

Trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <syngentaus.online> be transferred to the Complainant.

*/Richard C.K. van Oerle/*

**Richard C.K. van Oerle**

Sole Panelist

Date: March 12, 2025.