

## **ADMINISTRATIVE PANEL DECISION**

Syngenta Crop Protection AG v. Tran Thanh Tung, Tran Thanh Tung  
Case No. D2025-1271

### **1. The Parties**

The Complainant is Syngenta Crop Protection AG, Switzerland, represented by Michelle O'Neil, Switzerland.

The Respondent is Tran Thanh Tung, Tran Thanh Tung, Viet Nam.

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

The disputed domain name <syngenta-hanghieu.net> is registered with GMO Internet, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 28, 2025. On March 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 31, 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 (Masked by the GMO-Z.com RUNSYSTEM) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 2, 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 April 3, 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 April 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 30, 2025.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on May 5, 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 Swiss company headquartered in Basel, it operates globally in the agrochemical and seed sectors and is a member of the Syngenta Group.

The Complainant owns several trademark registrations for the SYNGENTA mark, including:

International Trademark Registration No. 732663, registered on March 8, 2000, with designations in jurisdictions including Viet Nam, United Kingdom, France, Germany, China, and Russian Federation.

The Complainant also operates a number of domain names incorporating the SYNGENTA trademark, including <syngenta.com> and <syngenta-hanghieu.com>, respectively registered on September 8, 1999 and August 28, 2023.

The disputed domain name <syngenta-hanghieu.net> was registered on February 20, 2025. At the time of this Decision, it was not linked to any active website. However, the Complainant brought evidence that the disputed domain name was previously linked to a website where the Complainant's mark and logo were reproduced.

#### **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:

(i) The disputed domain name is identical or confusingly similar to the Complainant's trademark. The Complainant asserts that the disputed domain name incorporates the SYNGENTA trademark in its entirety and is confusingly similar to its domain name <syngenta-hanghieu.com>. The additional term "HangHieu", meaning "branded goods" in Vietnamese, does not prevent a finding of confusing similarity. The Complainant argues that the generic Top-Level Domain ("gTLD") ".net" is irrelevant to the confusing similarity analysis.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant states that the Respondent is not affiliated with it and has not been authorized to use the SYNGENTA trademark in any manner. There is no evidence that the Respondent is commonly known by the disputed domain names or has made a bona fide use of them.

(iii) The disputed domain name was registered and are being used in bad faith. The Complainant argues that the disputed domain name resolves to a website that copies its official website <syngenta-hanghieu.com>, including unauthorized use of its trademark and logos. The Complainant contends that this conduct demonstrates an intent to impersonate the Complainant and deceive users, constituting bad faith registration and use. The Complainant references prior UDRP decisions in support of this argument.

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

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

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove 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 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.

Annex 4 to the Complaint shows numerous trademark registrations for SYNGENTA. Based on the available record, the Panel finds 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 disputed domain name incorporates the Complainant's trademark SYNGENTA, with the addition of the term "-hanghieu" as a suffix. The disputed domain name also presents the gTLD extension ".net".

Although the addition of symbol (such a hyphen) and other term (here, "hanghieu", which means "branded goods" in Vietnamese) may bear on assessment of the second and third elements, the Panel finds the addition of such figure 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.

It is also well established that the addition of a gTLD (such as ".net") is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the Panel finds the disputed domain name is confusingly similar to the Complainant's trademark and that 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 no indication that the Respondent is commonly known by the disputed domain name.

The Complainant has asserted that the Respondent is not an authorized representative, nor has obtained any permission for registering the disputed domain name. The Panel finds that the nature of the disputed domain name, comprising the Complainant's famous trademark, an hyphen and additional descriptive words, and the evidence of reproduction of the Complainant's brand and logo on the website, indicate an awareness of the Complainant and its trademark and an intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests.

Based on the available record, 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.

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.

The disputed domain name includes the distinctive trademark SYNGENTA in its entirety. According to the [WIPO Overview 3.0](#), section 3.1.4, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Actually, when the disputed domain name was registered in 2025, the SYNGENTA trademark was already famous and directly connected with the Complainant's products and services worldwide.

The Panel concludes that it is unlikely that the Respondent was not aware of the Complainant's trademark and that the registration of the disputed domain name was a mere coincidence. Especially considering that the Complainant brought evidence that the disputed domain name recently was linked to a website reproducing the SYNGENTA brand and logo, making clear that the intent of the Respondent with the disputed domain name was to specifically target the Complainant's trademark.

The Panel holds that the Respondent is intentionally attempting to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the disputed domain name.

At the time of the Decision, the disputed domain name does not currently resolve to any active website.

However, UDRP panels have frequently found that the apparent lack of so-called active use of the domain name (passive holding) does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3; *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); and *Polaroid Corporation v. Jay Strommen*, WIPO Case No. [D2005-1005](#).

The non-collaborative posture of the Respondent, i.e., (a) not presently using the disputed domain name, (b) not indicating any intention to use it, and (c) not at least providing justifications for the use of a famous third party trademark, when notified by the Complainant and during the present proceeding, certainly cannot be used in benefit of the Respondent in this Panel's opinion, which circumstances, together with (d) the lack of any plausible justification for the adoption of the term "syngenta-hanghieu" by the Respondent and with (e) the recent reproduction of the Complainant's logo on the website connected to the disputed domain name, are enough in this Panel's view to characterize bad faith registration and use in the present case.

Therefore, having reviewed the record, the Panel finds the registration and use of the disputed domain name constitutes bad faith under 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 <syngenta-hanghieu.net> be transferred to the Complainant.

*/Rodrigo Azevedo/*

**Rodrigo Azevedo**

Sole Panelist

Date: May 19, 2025