

## **ADMINISTRATIVE PANEL DECISION**

Syngenta Participations AG v. Bui Dang Truong  
Case No. D2025-1540

### **1. The Parties**

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

The Respondent is Bui Dang Truong, Viet Nam.

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

The disputed domain name <syngenta-hanghieu.xyz> is registered with Mat Bao Corporation (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 16, 2025. On April 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 26, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 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 amendment to the Complaint on April 29, 2025.

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 May 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 28, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on June 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 global agricultural technology company with 30,000 employees in 90 countries, notably active in the field of agrochemicals for crop protection and vegetable and flower seeds.

The Complainant is the owner of several trademark registrations consisting of the term SYNGENTA ("the Trademark"), notably including:

- International trademark registration No. 732663 for SYNGENTA (word mark), registered on March 8, 2000, with several designations including Viet Nam (where the Respondent reportedly resides);
- United States of America trademark registration No. 3036058 for SYNGENTA (word mark), registered on December 27, 2005.

The Complainant also owns, among others, the domain names <syngenta-hanghieu.com>, <syngenta.biz>, <syngenta.org>, <syngenta.co.uk>, <syngenta.co>, <syngenta.cn>.

The disputed domain name was registered on March 10, 2025.

The disputed domain name resolves to a blank page with a sentence in Vietnamese (which, according to Google translate, can be translated as follows: "Your domain has been successfully pointed! Please publish Landing Page with the above domain to use the service. Thank you!").

On March 18, 2025, the Complainant sent a cease and desist letter to the registrar of the disputed domain name (as the Complainant couldn't find any information concerning the actual registrant), asking to forward the letter to the Respondent. The Complainant submits that it didn't receive any answer from the Respondent.

#### **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.

First, the Complainant asserts that the disputed domain name is confusingly similar to the SYNGENTA Trademark as it incorporates the Trademark in its entirety, with the mere addition of the term "hanghieu", which means "branded goods" in Vietnamese. It is also similar to the Complainant's domain name <syngenta-hanghieu.com>. The disputed domain name is confusingly similar to the Trademark as it will confuse the public into thinking that the disputed domain name is owned and operated by the Complainant. The generic Top-Level Domain ("gTLD"), ".xyz" is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the SYNGENTA Trademark.

Second, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has no affiliation with the Complainant nor is the Respondent authorized to use the Complainant's Trademark, including in, or as part of, a domain name.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the Respondent registered the disputed domain name to generate confusion with the SYNGENTA Trademark, because the public could reasonably assume that the disputed domain

name is an official Complainant's domain name resolving to a defunct website. The Complainant further explains that there is no plausible explanation why the Respondent selected the disputed domain name other than for the purpose of intentionally attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of its website. The Complainant submits that a passive holding can be considered bad faith even without any active attempt from the Respondent to sell the domain name or to contact the trademark holder. The Complainant also submits that the disputed domain name was registered anonymously, which adds to evidence of bad faith since it makes finding and corresponding with the Respondent very difficult.

## **B. Respondent**

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

## **6. Discussion and Findings**

Dealing with the Respondent's failure to file a formal Response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant proves 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.

### **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 SYNGENTA Trademark is reproduced within the disputed domain name, with the addition of a hyphen followed by the term "hanghieu". Although the addition of other terms, here "hanghieu", 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 Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the gTLD ".xyz" is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the SYNGENTA Trademark.

Accordingly, the disputed domain name is confusingly similar to the Trademark for the purposes of the Policy.

Based on the available record, 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 Respondent is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name reproduces the well-known SYNGENTA Trademark (which is a coined term) in its entirety, with the mere addition of a hyphen followed by the term “hanghieu” which means “branded goods” in Vietnamese and as such carries a risk of implied affiliation, which cannot constitute fair use as it suggests sponsorship or endorsement by the Complainant (if ever put in use, Internet users would likely believe that the disputed domain name redirects to the Complainant’s website in Viet Nam). The Panel also notes that the disputed domain name is also very similar to the Complainant’s domain name <syngenta-hanghieu.com> as the only difference is the gTLD “.xyz”, which reinforces the risk of affiliation.

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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel notes that the Respondent has composed the disputed domain name by combining the Complainant’s SYNGENTA Trademark with a hyphen followed by the term “hanghieu” which means “branded goods” in Vietnamese. Besides, the Panel notes that the disputed domain name is very similar to the Complainant’s domain name <syngenta-hanghieu.com>, which resolves to the Complainant’s official website in Viet Nam. As a result, the disputed domain name, if ever put in use, would likely confuse Internet users into believing that the Respondent is affiliated with, or endorsed by, the Complainant, or is another Vietnamese official website of the Complainant for acquiring its branded goods. The registration of the disputed domain name creates a likelihood of confusion with the Complainant and its SYNGENTA Trademark. In the circumstances, and in the absence of any explanation from the Respondent for its choice of the disputed domain name, the Panel can only reasonably infer that the

Respondent registered the disputed domain name in the knowledge of the Complainant's Trademark and with the intention of taking unfair advantage of the goodwill attached to it by causing confusion among Internet users.

Besides, the Panel notes that a quick search for the word "syngenta" online would have revealed to the Respondent the existence of the Complainant and its SYNGENTA Trademark (also registered in Viet Nam where the Respondent reportedly resides). The search for the word "syngenta" and "hanghieu" would also have revealed to the Respondent the existence of the Complainant's official website operated under the domain name <syngenta-hanghieu.com>. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant's SYNGENTA Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark ; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. In this respect, the Panel notes the distinctiveness of the SYNGENTA Trademark (SYNGENTA is a coined term that is inherently distinctive and is well-known), the composition of the disputed domain name (which includes the SYNGENTA Trademark in its entirety with the mere addition of a hyphen followed by the descriptive term "hanghieu" – being nearly identical to the Complainant's domain name <syngenta-hanghieu.com>), the failure of the Respondent to submit a response, and the implausibility of any good faith use to which the disputed domain name may be put. The Panel 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 <syngenta-hanghieu.xyz> be transferred to the Complainant.

*/Mireille Buydens/*

**Mireille Buydens**

Sole Panelist

Date: June 16, 2025