

ADMINISTRATIVE PANEL DECISION

Syngenta Crop Protection AG v. Raymond Frangi, RMF CONSTRUCTIONS PTY

Case No. D2025-2015

1. The Parties

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

The Respondent is Raymond Frangi, RMF CONSTRUCTIONS PTY, Australia.

2. The Domain Name and Registrar

The disputed domain name <syngenta.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 May 21, 2025. On May 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 22, 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 / Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 22, 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 May 23, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 19, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on June 24, 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, science-based agro-tech company with 30,000 employees in 90 countries dedicated to the purpose of bringing plant potential to life. The Complainant aims to help millions of farmers around the world to grow safe and nutritious food, while taking care of the planet. The Complainant's products include agrochemicals for crop protection, as well as vegetable and flower seeds.

The Complainant has numerous registrations of its SYNGENTA trademark in various jurisdictions, including for instance International trademark registration No. 732663, registered on March 8, 2000.

The Complainant is also the owner of many domain names featuring its trademark including: <syngenta.com>, <syngenta.biz>, <syngenta.org>, etc.

The disputed domain name was registered on April 15, 2025, and resolves to a Registrar parking webpage.

The Complainant sent a cease-and-desist letter to the Respondent at the privacy service email address provided in the Whois record on May 8, 2025, however no response followed.

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 identical or confusingly similar to the Complainant's trademark. The disputed domain name is a typo variation of the Complainant's well-known trademark. The only difference between the Complainant's trademark and the disputed domain name is the substitution of the letter "e" with the letter "o" in the second syllable. The exchanged letter does not change the optics of the Complainant's trademark, nor does it substantially change the pronunciation of the word since both characters are similar sounding vowels. As the first and last syllables remain identical, it is hard to distinguish between the Complainant's trademark and the disputed domain name, rendering the disputed domain name confusingly similar to the Complainant's trademark.

The Complainant also contends that the Respondent has no 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 registered trademark.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The disputed domain name does not resolve to a website. The disputed domain name appears to be a passive holding. It continues to potentially cause damage because the public could reasonably assume that the disputed domain name is an official Complainant's domain name which resolves to a defunct website. In this way, the Respondent is trading on the reputation of the Complainant and the likelihood of confusion to drive traffic to an inoperative site. 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

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 applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLD ".com" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the mark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Panel considers the disputed domain name consisting of intentional misspelling of the Complainant's trademark replacing letter "e" of the Complainant's trademark with letter "o" in 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 1.9.

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 Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent. Noting the composition of the disputed domain name, no actual or contemplated bona fide or legitimate use of the disputed domain name could be reasonably claimed. The Panel finds the Respondent has no rights or legitimate interests in the disputed domain name (see, e.g., *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#)).

Noting the disputed domain name consists of an inherently misleading typographical error, reflecting the Respondent's ultimate intent to confuse unsuspecting Internet users into believing that the disputed domain names is operated by the Complainant, the Panel finds that there is no plausible fair use to which the disputed domain name could be put.

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name consisting of the minor misspelling of the well known Complainant's trademark. 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. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and level of goodwill in its trademark both in Switzerland and internationally. Thus, the Panel finds that the disputed domain name incorporating a typographical error of the Complainant's trademark was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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. 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.

Moreover, the Respondent failed to respond to the Complainant's cease-and-desist letter and to the present proceedings, and did not provide any good reason to justify this, which reinforces the bad faith finding (see, e.g., *Compagnie Generale des Etablissements Michelin v. Vaclav Novotny*, WIPO Case No. [D2009-1022](#)).

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 <syngonta.com> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: July 3, 2025