

## **ADMINISTRATIVE PANEL DECISION**

Syngenta Crop Protection AG v. tyhn dg  
Case No. D2025-2802

### **1. The Parties**

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

The Respondent is tyhn dg, Timor-Leste.

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

The disputed domain name <syngentasaleus.shop> (the “Domain Name”) is registered with Spaceship, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 16, 2025. On July 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 16, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 July 17, 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 July 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 8, 2025.

The Center appointed Wolter Wefers Bettink as the sole panelist in this matter on August 15, 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 science based company in the agricultural technology business, employing 30,000 people in over 90 countries worldwide. Its products include agrochemicals for crop protection as well as vegetable and flower seeds.

The Complainant holds, inter alia, the following trademarks (the "Trade Marks"):

- International trademark SYNGENTA No. 732663, registered on March 8, 2000
- United States trademark SYNGENTA No. 3036058, registered on December 27, 2005.

The Domain Name was registered on June 27, 2025 and resolves to a website (the "Website") where products are sold under the Trade Marks, as well as products from third party suppliers. According to the information disclosed by the Registrar, the Respondent's address is in "Austin", Timor-Leste.

On June 30, 2025 the Complainant sent a cease-and desist letter to the Respondent using the contact form provided on the Website, to which no response was received.

#### **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 Domain Name. Notably, the Complainant contends the following.

The Domain Name is confusingly similar to the Trade Marks as it contains the Trade Marks in whole and is only differentiated from them by the addition of the term "sale" and the geographical abbreviation "US". The Domain name is clearly meant to confuse the public into thinking that it is owned and operated by the Complainant.

The Respondent has no affiliation with the Complainant, nor is the Respondent authorized to use the Trade Marks. The Domain Name was registered on June 27, 2025, and is resolving to the Website, selling supposed Syngenta products without authorization, at what is portrayed to be a reduced price. The Website not only markets unauthorized products of the Complainant but additionally exploits the Trade Marks to promote unaffiliated third-party merchandise. Notably, the Website attempts to present itself as an official sales platform of the Complainant in the United States through the utilization of a non-existing New York City business address, thereby creating a false impression of legitimacy. The questionable authenticity of the Website is further substantiated by irregularities in the "Contact" and "About Us" section referencing "MyShop" rather than the Complainant and the empty blog section.

By using the Trade Marks with the terms "sale" and "US", the Respondent has created an imitation of the Complainant's domain name <syngenta-us.com>. The Complainant has a robust business in the United States, and the visual similarity between the two domain names, as well as the promising of "sale", makes the Domain Name particularly confusing and misleading. In this way, the Respondent is passing off the Domain Name by misusing the Trade Marks and imitating the domain name of the Complainant's website for his own financial benefit. As such, the Domain Name is not being used in a bona fide offering of goods or services or a legitimate noncommercial or fair use but is rather a bad faith registration in violation of the UDRP paragraphs 4(iv); Rules, paragraph 3(b)(ix)(3)).

Furthermore, a cease and desist letter was forwarded to the registrant via the Registrar's contact form on June 30, 2025. Due to the redaction of the registrant's contact information, this was the sole available course of action to try to reach the Respondent. No reply was received in response to this letter. Additionally, the Respondent uses privacy services. These factors strongly indicate that the Domain Name was registered and is being used in bad faith.

## **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 that it has registered rights in the Trade Marks. The Domain Name is confusingly similar to the Trade Marks as it incorporates the Trade Marks in their entirety. The addition of the term "sale" and the geographical abbreviation "US" does not prevent a finding of confusing similarity between the Domain Name and the Trade Marks (see [WIPO Overview 3.0](#), section 1.8; see also, inter alia, *TPI Holdings, Inc. v. Carmen Armengol*, WIPO Case No. [D2009-0361](#), and *F. Hoffmann-La Roche AG v. John Mercier*, WIPO Case No. [D2018-0980](#)).

The gTLD ".com" is typically disregarded under the confusing similarity test, since it is a technical registration requirement (see [WIPO Overview 3.0](#), section 1.11). Therefore, the Panel finds that the Domain Name is confusingly similar to the Trade Marks in which the Complainant has rights.

### **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.

Based on the undisputed submission of the Complainant, the Panel concludes that the Respondent has no connection or affiliation with the Complainant and the Respondent has not received the Complainant's consent to use the Trade Marks as part of the Domain Name. However, this is as such insufficient to make out the prima facie case, referred to above, since the Complaint does not address the other situations where a respondent may have legitimate rights or interests, set out in paragraph 4(c) of the Policy. In particular, the Complaint does not discuss the possibility that the Respondent has acquired trademark rights in the Domain Name, is commonly known by the Domain Name or that use of the Domain Name would, under circumstances, constitute a bona fide offering of goods or services.

In assessing whether the Respondent has rights or legitimate interests in the Domain Name on any of these grounds, it should be taken into account that (i) since the Domain Name incorporates the Trade Marks in their entirety with a descriptive term and a geographical abbreviation, it carries a risk of implied affiliation ([WIPO Overview 3.0](#), section 2.5.1). Furthermore, the Respondent has not provided any evidence, nor is there any indication in the record of this case, that the Respondent has acquired trade mark rights in the Domain Name, or is commonly known by the Domain Name.

As to bona fide offering of goods or services, the Panel notes that the Website prominently features the Trade Marks and appears to offer the Complainant's products at a discount price. The Complainant has stated that the Website sells 'supposed Syngenta products without authorization', but has submitted a screenshot of the Website on which it has encircled a number of products, indicating that these are products of the Complainant.

Use of a domain name to sell the Complainant's products without explicit authorization from the Complainant may, under circumstances, constitute a bona fide offering of goods or services, in particular if the Respondent were a bona fide service provider in relation to the Complainant's platforms. The criteria therefor are set out in the *Oki Data* decision (*Oki Data Americas, Inc., v. ASD Inc.*, WIPO Case No. [D2001-0903](#)). *Oki Data* concerned an authorised reseller of spare parts for the Oki Data products, but the criteria have also been applied to unauthorised resellers of products or services. In line with that decision, a service provider, using a domain name containing the complainant's trademarks to provide services with respect to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain names only if the following conditions are satisfied: (1) the respondent must actually be offering the goods or services at issue; (2) the respondent must use the site to sell only the trademarked goods (otherwise, there is the possibility that the respondent is using the trade mark in a domain name to bait consumers and then switch them to other goods); (3) the site itself must accurately and prominently disclose the respondent's relationship with the trade mark owner; and (4) the respondent must not try to "corner the market" in all relevant domain names, thus depriving the trade mark owner of the ability to reflect its own mark in a domain name.

The Panel has visited the Website to obtain information about these aspects of this case. As admitted by the Complainant, at least a part of the products offered for sale on the Website are genuine products of the Complainant. However, clicking on some other products offered for sale on the Website showed that these are from manufacturers that are not affiliated with the Complainant. Therefore, the use of the Domain Name does not meet the second *Oki Data* requirement, that it sells only the trademarked goods. In addition, the Website does not meet the third *Oki data* requirement, as it does not disclose the Respondent's relationship with the Complainant.

The Respondent therefore does not meet all the criteria of the *Oki Data* decision, and the Respondent's use of the Domain Name prior to the notice of the dispute cannot be considered to be in connection with a bona fide offering of goods or services, in accordance with paragraph 4(c)(i) of the Policy.

### **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. This list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, leaves open that other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. See [WIPO Overview 3.0](#), section 3.2.1.

Based on the undisputed information and the evidence provided by the Complainant, the Panel finds that at the time of registration of the Domain Name the Respondent was or should have been aware of the Trade Marks, since:

- the Respondent's registration of the Domain Name occurred some 25 years after the registration of the earliest of the Trade Marks;
- the Respondent has incorporated the Trade Marks in the Domain Name;
- the Trade Marks consist of a phantasy name of which it is unlikely that the Respondent would have thought of spontaneously when registering the Domain Name;
- a simple trademark register search, or even an Internet search, prior to registration of the Domain Name would have informed the Respondent of the existence of the Trade Marks.

Since the Respondent has no authorization from or other affiliation with the Complainant, and was or should have been aware of the Complainant's rights at the time of registration, the Domain Name was registered in bad faith.

With regard to bad faith use, the Panel finds that the use of the Trade Marks on the Website implies that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Trade Marks as to the source, sponsorship, affiliation, or endorsement of its website and the services offered on that website.

The Panel further finds that the following circumstances are found to be indicative of bad faith use of the Domain Name:

- the probability that the Respondent was aware or should have been aware of the Complainant's rights in the Trade Marks;
- the use upon registration of the Domain Name of a proxy service and, as disclosed by the Registrar, an incomplete or non-existing address (there is no Austin in Timor-Leste), apparently to hide the identity of the Respondent;
- the lack of a response to the cease and desist letter;
- the lack of a formal Response of the Respondent.

Therefore, the Panel concludes that the Domain Name was registered and is being used in bad faith.

## **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 <syngentasaleus.shop> be transferred to the Complainant.

*/Wolter Wefers Bettink/*

**Wolter Wefers Bettink**

Sole Panelist

Date: August 28, 2025