

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Domain Administrator, Fundacion
Privacy Services LTD
Case No. D2022-3223

1. The Parties

The Complainant is Accenture Global Services Limited, Ireland, represented by McDermott Will & Emery LLP, United States of America.

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

2. The Domain Name and Registrar

The disputed domain name <canadahrbenefitsaccenture.com> is registered with Media Elite Holdings Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 31, 2022. On August 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 5, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 September 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 7, 2022.

The Center appointed C. K. Kwong as the sole panelist in this matter on October 18, 2022. 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 supplier of various services including management consulting, technology services and outsourcing services with offices and operations. It is the owner of numerous trademarks embodying or comprising the word ACCENTURE. These registrations include:

- (a) United States Registration No. 3091811 for the word mark ACCENTURE, filed on October 26, 2000 and registered on May 16, 2006 in respect of services in International Classes 9, 16, 35, 36, 37, 41, and 42 (Annex D to the Complaint);
- (b) United States Registration No. 2665373 for the mark ACCENTURE and device, filed on November 17, 2000 and registered on December 24, 2002 in respect of services under International Classes 9, 16, 35, 36, 37, 41, and 42 (Annex D to the Complaint);

The uncontested evidence produced by the Complainant shows that the registrations of its aforesaid ACCENTURE mark occurred many years before the registration of the disputed domain name by the Respondent on August 2, 2022.

Other than the particulars shown on the printout of the database search conducted by the Complainant of the Whois Database (as provided in Annex A to the Complaint), the website to which the disputed domain name resolves (as provided in Annex S to the Complaint), and the Whois Database search results, there is no evidence in the case file concerning the background of the Respondent and its business. At the time of filing of the Complaint, the evidence provided by the Complainant shows that the disputed domain name resolved to a website, which hosts pay-per-click hyperlinks to other websites.

5. Parties' Contentions

A. Complainant

The Complainant has offices and operations in more than 200 cities in 50 countries. Since 2001, it began using the mark ACCENTURE extensively in connection with various services and specialties, including management consulting and business process services which comprising various aspects of business operations such as supply chain and logistics services, as well as technology services and outsourcing services.

The Complainant owns registrations for the ACCENTURE mark and ACCENTURE & Device mark in more than 140 countries.

The Complainant registered its domain name <accenture.com> on August 30, 2000. It owns and operates the website at "www.accenture.com" as a forum to promote and disseminate information regarding the various services under the ACCENTURE mark (Annex F to the Complaint).

The Complainant's annual advertising expenditures worldwide since 2009 up to 2022 are in terms of tens of millions of dollars per year.

Many reputable brand consulting companies in the industry have recognized the Complainant's ACCENTURE mark as a leading global brand. For the past 21 years, it has been listed in the Fortune Global 500. It has received numerous awards for its business, products and services marketed under the ACCENTURE mark.

As a result of extensive use and promotion, the ACCENTURE mark has become distinctive and famous globally and have enjoyed such distinctiveness and fame long before the date on which the Respondent registered the disputed domain name.

The dispute domain name is comprised of the ACCENTURE trademark paired with the words “canada”, “hr” and “benefits”, which appear to be in reference to the Complainant’s human resources department in relation to the Complainant’s business presence in Canada. The pairing with terms that refer to a location and function of the Complainant’s business confirms the confusing similarity of the disputed domain name with the Complainant’s ACCENTURE mark. Internet users are very likely to be confused as to whether an association exists between the disputed domain name and the Complainant.

The ACCENTURE mark consists of a coined term and as such, should be afforded a wider scope of protection, particularly in view of the ubiquitous nature of the brand, as supported by the heavy advertising presence worldwide.

The addition of a generic Top-Level Domain (“gTLD”) to the disputed domain name is insufficient to distinguish the dispute domain name from the Complainant’s ACCENTURE mark.

The Respondent is neither affiliated with nor has it been licensed or permitted to use the Complainant’s ACCENTURE mark or any domain names incorporating the ACCENTURE mark. It is not commonly known by the disputed domain name.

The Respondent is not using the disputed domain name for any valid purpose at this time. The disputed domain name resolves to a sponsored website displaying pay-per-click links (Annex S to the Complaint).

The Respondent is not making a legitimate, noncommercial or fair use of the disputed domain name. It has no legitimate interests in respect of the disputed domain name.

Given the Complainant’s worldwide reputation and the ubiquitous presence of the ACCENTURE mark on the Internet, the Respondent was or should have been aware of the ACCENTURE mark long before its registration the disputed domain name.

The Respondent’s use of the disputed domain name to redirect Internet users to commercial websites through various sponsored click-through links constitutes bad faith and indicates that Respondent registered and is using the disputed domain name with the intent to attract Internet users to its website for commercial gain by creating a likelihood of confusion with Complainant’s ACCENTURE mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website.

B. Respondent

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

6. Discussion and Findings

The contact details of the Respondent and the disputed domain name were fully set out in the publicly available Whois search results provided in Annex A to the Complaint and the Whois search results on September 16, 2022 (“the Data Base Records”).

Such contact details in the Data Base Records also match with the answers to the Request for Registrar Verification provided by the Registrar to the Center on September 5, 2022.

On September 16, 2022, the Center transmitted the Notification of Complaint and Commencement of Administrative Proceeding together with the Complaint including annexes to the Respondent in accordance with the contact details above by email with copies to the Registrar. The Center also forwarded the Written

Notice of the Proceedings in accordance with the relevant contact details to the Respondent by courier.

The Panel is satisfied that the Center has discharged its responsibility under paragraph 2(a) of the Rules to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint and that the failure of the Respondent to furnish a Response is not due to any apparent omission or inadequate communication by the Center.

B. The Three Elements

In rendering its decision, the Panel must adjudicate the dispute in accordance with paragraph 15(a) of the Rules which provides that, “[t]he Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 14(b) of the Rules further provides that, “[i]f a Party, in the absence of exceptional circumstances, does not comply with any provisions of, or requirement under these Rules or any requests from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate”. Paragraph 5(f) of the Rules further provides that, “[i]f a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint”.

The failure of the Respondent to respond does not automatically result in a favourable decision to the Complainant, which is specifically required under paragraph 4(a) of the Policy to establish each of the three elements as provided therein. See, *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#), and *Berlitz Investment Corp. v. Stefan Tincuлесcu*, WIPO Case No. [D2003-0465](#).

The said three elements are considered below.

1) Identical or confusingly similar

On the evidence available, the Panel has no hesitation in finding that the Complainant has rights in the trademark ACCENTURE by reason of its trademark registrations as recited in Section 4 above.

Furthermore, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademark ACCENTURE despite the addition of the terms “canada”, “hr”, and “benefits”.

The disputed domain name incorporates the Complainant’s trademark in its entirety. The mere addition of the terms “canada”, “hr”, and “benefits” does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8.

It is well-established practice to disregard the Top-Level Domain, in this case “.com”, when assessing whether a domain name is identical or confusingly similar to the mark in issue. *Société Anonyme des Eaux Minérales d’Evian and Societe des Eaux de Volvic v. Berocha Holdings B.V.I. Limited*, WIPO Case No. [D2008-0416](#).

Accordingly, the Panel finds that the first element of paragraph 4(a) of the Policy is established.

2) Rights or Legitimate Interests

The Complainant needs to establish a *prima facie* case showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See, *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Once such *prima facie* case is made, the burden of production of evidence will shift to the Respondent to demonstrate that it has rights or legitimate interests in the disputed domain name.

In the present case, the Complainant has asserted registration and use of the registered trademark

ACCENTURE well before the Respondent's registration of the disputed domain name on August 2, 2022. The Complainant has confirmed that it has no business relationship with the Respondent.

There is no explanation on the record as to why it was necessary for the Respondent to adopt the word "accenture" in the disputed domain name.

There is also no evidence before the Panel to suggest that the Respondent is commonly known as "accenture".

There is also no evidence available to demonstrate any legitimate noncommercial or fair use of the disputed domain name by the Respondent.

The Panel is satisfied that the Respondent has no rights or legitimate interests in the disputed domain name.

3). Registered and Used in Bad Faith

The Complainant's ACCENTURE mark has been extensively used in its business for a very long time.

Further, the word "accenture", is an invented word and is very distinctive. There is no reason for the Respondent to choose and include the word "accenture" in its entirety as part of the disputed domain name. The combination of the mark ACCENTURE with the words "canada", "hr" (meaning human resources), and "benefits" (being apparently a main line of the Complainant's business which has a presence in Canada (Annex G to the Complaint)), further demonstrates the Respondent's knowledge of the Complainant and its mark ACCENTURE at the time of registration of the disputed domain name.

The Complainant has clearly stated that it has not authorized the Respondent to use its mark ACCENTURE or use it to register any domain name. The website to which the disputed domain name resolves hosts pay-per-click hyperlinks with headings including "Careers, Consulting, Technology Services, Business Process Outsourcing" and "Management Consulting", all of which are services of the same nature as the Complainant. The Respondent is not using the disputed domain name for a purpose other than for commercial gain, and such use disrupts the business of the Complainant.

It is the Complainant's contention that the use of the website to which the disputed domain name resolves will attract Internet users and consumers looking for the Complainant's services and harms its business. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to go to the said website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or products on the said website. The Panel finds that the presumption under paragraph 4(b)(iv) of the Policy has been successfully invoked.

The Panel finds that the disputed domain name has been registered and is being used in bad faith under paragraphs 4(a)(iii) and (iv) 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, <canadahrbenefitsaccenture.com>, be transferred to the Complainant.

/C. K. Kwong/

C. K. Kwong

Sole Panelist

Date: November 1, 2022