

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Dinkar Jangir, SEOEngineers.in
Case No. D2022-3970

1. The Parties

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

The Respondent is Dinkar Jangir, SEOEngineers.in, India.

2. The Domain Name and Registrar

The disputed domain name <accenturepackers.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 24, 2022. On October 24, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 24, 2022, 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 (Privacy service provided by Withheld for Privacy ehf, Iceland) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 25, 2022, 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 October 26, 2022.

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 November 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 22, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 24, 2022.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on November 30, 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 professional services company, specializing in information technology services and consulting.

The Complainant is the owner of the following trademarks consisting of or containing the word ACCENTURE, applied for before the date of registration of the disputed domain name:

- United States of America trademark registration number 3,091,811 for the trademark ACCENTURE (word mark), registered on May 16, 2006, for goods and services in classes 9, 16, 35, 36, 37, 41, and 42;
- United States of America trademark registration number 3,340,780 for the trademark ACCENTURE (word and figurative mark), registered on November 20, 2007, for goods in classes 6, 8, 9, 14, 16, 18, 20, 21, 24, and 28.

The Complainant began using the mark ACCENTURE in connection with various services, including management consulting, technology services and outsourcing services, on January 1, 2001.

The disputed domain name was registered by the Respondent on April 18, 2022. It results from the Complainant's documented allegations that the website available under the disputed domain name resolved to a page offering moving services under the ACCENTURE trademark.

5. Parties' Contentions

A. Complainant

According to the Complainant, each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

First, the Complainant submits that the disputed domain name is identical or confusingly similar to the ACCENTURE trademark registration of the Complainant.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain name.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith.

With respect to bad faith the Complainant specifically states that:

- The disputed domain name gives rise to a degree of initial confusion that brings users to the Respondent's website.
- While the Respondent may not be a direct competitor of the Complainant (it does not appear that the Respondent's business advertised via the website at the disputed domain name is a real entity or a going concern), its purported packing, moving and transportation services could be viewed as related to the Complainant's service offerings in the areas of supply chain, freight, and logistics.
- Using the trademark ACCENTURE in the disputed domain name allows the Respondent, as a purported commercial enterprise, to capitalize on the reputation that the Complainant has established in its well-known ACCENTURE mark, so that Internet users looking for information from the Complainant about its products and services are instead possibly diverted to the Respondent's website.

- Prospective customers who mistakenly access the Respondent's website may fail to continue to search for the Complainant's information due to confusion or frustration. Thus, the Respondent's conduct is disruptive of the Complainant's business and falls within the Policy, paragraph 4(b)(iv).

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which a complainant must satisfy in order to succeed. The Complainant must satisfy that:

- (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

The first element that the Complainant must establish is that the disputed domain name is identical or confusingly similar to the Complainant's trademark. The Complainant holds several valid ACCENTURE trademark registrations.

The disputed domain name is confusingly similar to the Complainant's trademarks since it merely reproduces the ACCENTURE trademark in its entirety with the addition of the generic term "packers". As numerous UDRP panels have held, where at least a dominant feature of the relevant trademark is recognizable in the domain name, it is sufficient to establish that a domain name is identical or confusingly similar to a registered trademark. The addition of the generic term "packers" does not prevent a finding of confusing similarity.

The Panel finds the first element of the Policy has therefore been met.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the disputed domain name:

- "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

There is no evidence of the existence of any of those rights or legitimate interests in this case. The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or its trademarks. The Complainant has prior rights in the trademarks, which precede the Respondent's registration of the disputed domain name.

According to the Complainant, the Respondent is using the disputed domain name for a website that offers moving and packing services including also the mention of Complaint trademark as a client of the Respondent. In addition the Complainant commissioned an investigation of the address mentioned in the Respondent website and was able to verify that there is no operating business at that address. The allegation has not been denied by the Respondent.

The Complainant has therefore established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name and thereby shifted the burden to the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to rebut the Complainant's *prima facie* case.

Moreover, the nature of the disputed domain name carries a risk of an implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant.

Therefore, the Panel finds that the Complainant has satisfied the second requirement of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Complainant must prove both that the disputed domain name was registered and used in bad faith.

The Complainant's allegations with regard to the Respondent's registration and use of the disputed domain name in bad faith have been considered by the Panel. The Respondent has not contested these allegations.

The Complainant has used ACCENTURE as its trademark for more than 20 years. The disputed domain name was registered in the year 2022. In addition, the ACCENTURE trademark is famous (*Accenture Global Services Limited v. ICS Inc./PrivacyProtect.org*, WIPO Case No. [D2013-2098](#),). Furthermore, the word "accenture", is a coined term and is very distinctive (*Accenture Global Services Limited v. Domain Administrator, Fundacion Privacy Services LTD.*, WIPO Case No. [D2022-3223](#)).

There is no reason for the Respondent to choose and include the word "accenture" in its entirety as part of the disputed domain name. There is no doubt that the Respondent was aware of the Complainant's trademark when he registered the disputed domain name given that the content of the website reproduced the Complainant's ACCENTURE trademark mentioning it as a client of the Respondent.

The Panel visited the website at the disputed domain name and was able to verify that it resolves to a website that offers packing services including also the mention of Complaint trademark as a client of the Respondent. The Complainant has denied this assertion. The Panel finds that such behavior is evidence of bad faith.

In light of the evidence, the Panel holds that the Respondent has intentionally attempted to attract for commercial gain Internet users to his website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website and services and products offered on it under paragraph 4(b)(iv) of the Policy, and likely to disrupt the business of the Complainant.

Therefore, the Panel concludes that the Complainant has made out its case that the disputed domain name was registered and is being used in bad faith and has satisfied the third limb of the Policy, under paragraphs 4(a)(iii) and 4(b)(iv).

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 <accenturepackers.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: December 14, 2022