

## **ADMINISTRATIVE PANEL DECISION**

Accenture Global Services Limited v. James Hornston  
Case No. D2022-4449

### **1. The Parties**

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

The Respondent is James Hornston, United States.

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

The disputed domain name <accenture-us.net> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2022. On November 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, the Registrar transmitted by email to the Center its verification, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 23, 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 November 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 December 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 9, 2023.

The Center appointed Halvor Manshaus as the sole panelist in this matter on January 30, 2023. 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 an international business providing services and solutions in strategy, consulting, digital, technology, and operations under the name “Accenture”. The Complainant has offices and operations in more than 200 cities in 50 countries.

The Complainant owns trademark registrations in several jurisdictions for ACCENTURE, including the following:

The United States registration no. 3,091,811, registered on May 16, 2006, for various goods and services in classes 9, 16, 35, 36, 37, 41 and 42;

The United States registration no. 2,665,373 (figurative trademark) registered on December 24, 2002, for various goods and services in classes 9, 16, 35, 36, 37, 41 and 42;

The United States registration no. 3,340,780 (figurative trademark) registered on November 20, 2007, for various goods in classes 16, 18, 20, 21, 24 and 28;

The United States registration no. 2,884,125 (figurative trademark) registered on September 14, 2004, for various goods in classes 18, 25 and 28;

The Complainant owns the domain name <accenture.com> where Internet users can find information on the Complainant’s services.

The Respondent is a private individual. The Respondent is identified as the registrant of the disputed domain name, registered on November 16, 2022. As on the date of filing of the Complaint and the date of this Decision, the disputed domain name resolves to a website displaying a “deceptive site ahead” warning.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant requests that the disputed domain name be transferred to the Complainant. The Complainant’s arguments can be summarized as follows:

The Complainant states that the disputed domain name is confusingly similar to the Complainant’s trademark, as it comprises of the ACCENTURE trademark paired with a hyphen and the geographic abbreviation “US”. According to the Complainant, the addition of the “.net” Top-Level Domain (“TLD”), the hyphen and the geographic term are insufficient to distinguish the disputed domain name from the Complainant’s mark.

The Complainant argues that the Respondent lacks rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent is not affiliated with the Complainant, and has not been licensed or permitted to use the Complainant’s ACCENTURE mark or any domain names incorporating the ACCENTURE mark. Further, the Complainant sets forth that the Respondent is not commonly known by the disputed domain name prior to or after registering the disputed domain name, and that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Complainant also states that the disputed domain name has been used to redirect Internet users to a malicious website, which does not qualify as *bona fide* offering of goods and services. According to the Complainant, the Respondent appears to have chosen the disputed domain name to trade off the reputation and goodwill associated with

the Complainant's ACCENTURE mark in order to cause confusion among Internet users and the Complainant's customers, to benefit from misdirecting Internet traffic and to potentially use the disputed domain name for malicious purposes, and to prevent the Complainant from owning the disputed domain name.

The Complainant claims that the Respondent has registered and uses the disputed domain name in bad faith. The Complainant submits that the Respondent was, or should have been, aware of the ACCENTURE mark prior to the registration of the disputed domain name and that the Respondent has used the disputed domain name to redirect Internet users to a malicious website for the distribution of malware or other security risks. As such, the Complainant holds that there is no reason for the Respondent registering the disputed domain name other than to trade off the reputation and goodwill of the Complainant's ACCENTURE mark.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant has, in accordance with paragraph 4 (i) of the Policy, requested that the disputed domain name be transferred to the Complainant.

In accordance with paragraph 4 (a) of the Policy, in order to succeed in this proceeding and obtain the transfer of the disputed domain name, the Complainant must establish that the three following elements are satisfied for the disputed domain name:

- (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.

Pursuant to paragraph 15 (a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Moreover, in accordance with paragraph 14 (b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirements under, the Rules or any requests from the Panel, the Panel shall draw such inferences therefrom, as it deems appropriate.

On the basis of the evidence introduced by the Complainant and, in particular, with regards to the content of the relevant provisions of the Policy (paragraph 4 (a), (b), (c)), the Panel concludes as follows:

### **A. Identical or Confusingly Similar**

The Complainant must establish that it has a trademark or service mark and that the disputed domain name is identical or confusingly similar to that trademark or service mark for the Complainant to succeed under the first element.

Considering the evidence submitted by the Complainant, the Panel finds that the Complainant indisputably holds numerous trademark registrations for ACCENTURE. Based on the evidence submitted by the Complainant, the Panel finds that the Complainant owns rights to the trademark ACCENTURE in several jurisdictions.

The disputed domain name comprises the Complainant's trademark ACCENTURE in its entirety, except for the presence of a hyphen, the term "us" and the TLD ".net". The Panel is of the opinion that the addition of the hyphen, the term "us" and the gTLD ".net" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark.

The fact that the disputed domain name wholly incorporates the Complainant's trademark is sufficient to establish confusingly similarity. As held by the panel in *Accenture Global Services Limited v. Kimberly Moreland*, WIPO Case No. [D2017-2189](#), the addition of the hyphen followed by the abbreviation "us" does not differentiate the disputed domain name from the Complainant's mark. Further, the Panel finds that the TLD ".net" is viewed as a standard registration requirement and, as such, is disregarded under the first element confusing similarity test.

The Panel concludes that the Complainant has satisfied the requirements under paragraph 4 (a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

In the Panel's view, the presented evidence referred to by the Complainant is sufficient to establish *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. As held by previous UDRP panels, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name when such *prima facie* case is made out.

The Respondent has not replied to the Complainant's contentions, and the Panel has not been presented with, or otherwise discovered, any evidence showing: (i) that the Respondent has received a license or other permission to use the Complainant's trademark or any domain name incorporating this mark; (ii) that the Respondent is commonly known by the disputed domain name; (iii) that the Respondent has acquired trademark or service mark rights to use the disputed domain name; or (iv) that the Respondent is making legitimate noncommercial or fair use of the disputed domain name.

The disputed domain name resolves to a website displaying a security warning stating that a deceptive site is ahead and that attackers may trick Internet users into installing software or revealing personal information. As held by the panel in *AXA SA v. Privacy Services Provided by Withheld for Privacy ehf / Pizza Goeie*, WIPO Case No. [D2022-0901](#), use of the disputed domain name to redirect Internet users to websites resulting in such security warnings evidences that the disputed domain name is not used in connection with *bona fide* offering of goods or services, or in connection with a legitimate noncommercial or fair use.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the Complainant has satisfied the requirements under paragraph 4 (a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

In order to prevail under the third element of paragraph 4 (a)(iii) of the Policy, the Complainant must demonstrate that the disputed domain name has been registered and is being used in bad faith.

Paragraph 4 (b) sets forth a non-exclusive list of circumstances indicating bad faith, such as the Respondent intentionally attempting to attract Internet users to its website or other online location by using the disputed domain name for commercial gain by creating a likelihood of confusion with the Complainant's mark as the source, sponsorship, affiliation, or endorsement of the website or location or a product or service on the website or location.

The Complainant has credibly shown that the ACCENTURE mark is widely known and that the Complainant has achieved a reputation under the ACCENTURE mark. The Panel finds it unlikely that the Respondent was unaware of the Complainant's trademarks when registering the disputed domain name. Moreover, the disputed domain name is confusingly similar to the Complainant's widely known trademark. As UDRP

panels have consistently found, e.g., in *Elizabeth Taylor Cosmetics Company v. NOLDC, Inc.*, WIPO Case No. [D2006-0800](#) and *Singapore Airlines Limited v. P&P Servicios de Comunicacion S.L.*, WIPO Case No. [D2000-0643](#), the mere registration of a domain name confusingly similar to a famous or widely known trademark by an unaffiliated entity can create a presumption of bad faith.

Further, the conduct of redirecting Internet users to a malicious website for the distribution of malware or other security risks is clear evidence of bad faith use and registration of the disputed domain name. Taken together with the fact that the Respondent has not filed any Response to these proceedings, the Panel finds that the Complainant has established that the Respondent registered and is using the disputed domain name in bad faith. If the Respondent intended to make legitimate noncommercial or fair use of the disputed domain name, the Respondent would have defended his case accordingly.

The Panel, therefore, finds that the Complainant has satisfied the requirement under paragraph 4(a)(iii) 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, <accenture-us.net>, be transferred to the Complainant.

*/Halvor Manshaus/*

**Halvor Manshaus**

Sole Panelist

Date: February 13, 2023