

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Milen Radumilo
Case No. DCO2022-0071

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 Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <accenuture.co> is registered with Communigal Communications Ltd. (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 3, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 8, 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 September 13, 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 September 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 6, 2022.

The Center appointed José Pio Tamassia Santos as the sole panelist in this matter on October 26, 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

4.1. The Complainant is an international business that provides a broad range of services and solutions in strategy, consulting, digital, technology and operations under the name “Accenture” and is the owner of a number of trademark registrations for the ACCENTURE mark, such as United States Trademark No. 2,665,373, registered on December 24, 2002, and duly renewed. The Complainant also owns the <accenture.com> domain name from where it operates its official website.

4.2. The disputed domain name was registered by the Respondent on July 23, 2022, and redirects to different websites such as third party commercial websites with pay-per-click links or malicious websites.

5. Parties’ Contentions

A. Complainant

5.1. The Complainant states that the Respondent registered without authorization the disputed domain name on July 23, 2022.

5.2. The Complainant enjoys strong worldwide rights in, and recognition of, its ACCENTURE marks. The Complainant has used the ACCENTURE trademark in commerce since as early as 2001. The first United States trademark registration for the ACCENTURE mark dates back to 2002.

5.3. In order to help protect its trademark rights on an international basis, the Complainant owns registrations for the ACCENTURE mark and ACCENTURE and Design mark in more than 140 countries. The Complainant owns more than 1,000 registrations for the marks ACCENTURE, ACCENTURE and Design and many other marks incorporating the ACCENTURE brand for a variety of products and services including, but not limited to, its management consulting, technology services and outsourcing services.

5.4. Finally, the Complainant states that the disputed domain name is confusingly similar to the Complainant’s trademark, that the Respondent has no rights or legitimate interests in the disputed domain name and that the disputed domain name has been registered and is being used in bad faith by the Respondent.

B. Respondent

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

6. Discussion and Findings

6.1. Under the Policy, the complainant must prove each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name was registered and is being used in bad faith.

6.2. The Complainant has the burden of proof, by a preponderance of the evidence, in respect to each element in paragraph 4(a) of the Policy.

6.3. The Respondent has failed to respond in the present proceeding, and in accordance with paragraph 14(b) of the Rules, “the Panel shall draw such inferences [...] as it considers appropriate”.

A. Identical or Confusingly Similar

6.4. In both sight and sound, the disputed domain name is nearly identical and confusingly similar to the Complainant’s ACCENTURE trademark, because the disputed domain name is formed by a typographical misspelling of the ACCENTURE trademark, which merely adds an additional letter “u” to the middle of the ACCENTURE trademark.

6.5. The Complainant contends that the addition of the “.co” country code Top-Level Domain (“ccTLD”) to the disputed domain name is without significance in assessing confusing similarity under the Policy. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

6.6. The Complainant also contends that modifying the ACCENTURE trademark by adding an additional letter “u,” to form a nearly identical version of the mark in the disputed domain name constitutes “typosquatting”. See section 1.9 of the [WIPO Overview 3.0](#).

6.7. The first element of the Policy, therefore, has been met.

B. Rights or Legitimate Interests

6.8. The Complainant’s ACCENTURE mark is distinctive and well known.

6.9. The Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant’s ACCENTURE marks or any domain names incorporating the ACCENTURE marks.

6.10. The Complainant states that the Respondent is not using the disputed domain name for any valid purpose at the time of filing the Complaint. Depending on the applicable Internet browser, the disputed domain name redirects to different websites displaying a third-party webpage, pay-per-click links, a security warning, or some other form of a suspicious website.

6.11. The Respondent’s use of the disputed domain name to redirect Internet users to sponsored links or malicious websites does not qualify as a *bona fide* offering of goods and services, and it is presumed that the Respondent receives compensation for each misdirected user. See *Maker Studios, Inc. v. ORM LTD / Contact Privacy Inc. Customer 0137258808*, WIPO Case No. [D2014-0918](#).

6.12. Finally, the Respondent has demonstrated an awareness of the Complainant’s trademark and a pattern of bad faith conduct, as the Respondent was previously ordered to transfer other domain names to the Complainant when the Respondent was found to have registered and used the domain names in bad faith in *Accenture Global Services Limited v. Milen Radumilo*, WIPO Case No. [D2016-1219](#), and *Accenture Global Services Limited v. Contact Privacy Inc. Customer 0157756560*, *Contact Privacy Inc., Customer 0157756560 / Milen Radumilo*, WIPO Case No. [D2020-1507](#).

6.13. Moreover, the Respondent is not making a legitimate, noncommercial or fair use of the disputed domain name, and it appears that the Respondent has chosen the disputed domain name to trade off the reputation and goodwill associated with the Complainant's ACCENTURE marks, to cause confusion amongst Internet users and the Complainant's customers, to benefit from misdirected Internet traffic, to potentially use the disputed domain name for malicious purposes, and to prevent the Complainant from owning the disputed domain name reflecting the ACCENTURE mark.

6.14. Accordingly, the second element of the Policy has been established.

C. Registered and Used in Bad Faith

6.15. Paragraph 4(b) of the Policy provides that "for the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith":

(i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of the complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the domain name; or

(ii) that the respondent has registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

6.16. Given the Complainant's worldwide reputation and the ubiquitous presence of the ACCENTURE marks on the Internet, the Respondent was or should have been aware of the ACCENTURE marks prior to registering the disputed domain name. See *Caesars World, Inc. v. Forum LLC.*, WIPO Case No. [D2005-0517](#).

6.17. The Respondent's use of the disputed domain name to redirect Internet users to third-party commercial websites with pay-per-click links constitutes bad faith and indicates that the 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 the Complainant's ACCENTURE mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website. See *McDonald's Corporation v. ZusCom*, WIPO Case No. [D2007-1353](#). The Respondent's use of the disputed domain name for malicious websites or some other form of a suspicious website is further evidence of bad faith.

6.18. Taking account, the well-known status of the Complainant's ACCENTURE marks and the Complainant's ownership of the <accenture.com> domain name, there is no reason for the Respondent to have registered the disputed domain name other than to trade off the reputation and goodwill of the Complainant's marks. See *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#). The Panel also finds that the Respondent disrupts the business of the Complainant.

6.19. The Panel therefore finds that paragraph 4(a)(iii) of the Policy has been satisfied.

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 <accenuture.co> be transferred to the Complainant.

/José Pio Tamassia Santos/

José Pio Tamassia Santos

Sole Panelist

Date: November 9, 2022