

## **ADMINISTRATIVE PANEL DECISION**

Accenture Global Services Limited v. Domain Admin, Privacy Protect, LLC  
(PrivacyProtect.org) / Marcello Menezes  
Case No. D2022-0407

### **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 Domain Admin, Privacy Protect, LLC (PrivacyProtect.org), United States / Marcello Menezes, Brazil.

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

The disputed domain name <accenturecarrers.com> (the “Domain Name”) is registered with Launchpad.com Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2022. On February 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 8, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 9, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Upon receipt of the Center’s Notice of Registrant Information, the Complainant requested for suspension and the proceeding was suspended on February 11, 2022. On March 11, 2022, the Complainant requested for reinstatement of the proceeding and filed an amended Complaint.

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 March 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 12, 2022.

The Center appointed Alan L. Limbury as the sole panelist in this matter on April 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**

The Complainant is an international business that provides a broad range of services and solutions in strategy, consulting, digital, technology, and operations under the trademark ACCENTURE, registered in many countries, including with the United States Patent and Trademark Office ("USPTO"). For example, United States Reg. No. 3,091,811, registered on May 16, 2006.

The Domain Name was registered on December 5, 2021. It does not resolve to an active website.

#### **5. Parties' Contentions**

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

As a result of extensive use and promotion since 2001, the Complainant's ACCENTURE mark had become distinctive and famous globally, long prior to the Respondent's registration of the Domain Name, which is identical or confusingly similar to the Complainant's ACCENTURE mark.

The Respondent has no rights to or legitimate interests in respect of the Domain Name, which was registered and is being used in bad faith.

As to legitimacy, the Respondent, Marcello Menezes, is not commonly known by the Domain Name and appears to have chosen to use the Complainant's famous ACCENTURE trademark in the Domain Name to create a direct affiliation with the Complainant and its business. The Respondent is not making a legitimate, noncommercial or fair use of the Domain Name and is not using the Domain Name in connection with a *bona fide* offering of goods or services, nor for any legitimate purpose. Instead, the Domain Name resolves to a page displaying an Internet browser error message stating, "[t]his site can't be reached".

As to bad faith, 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 prior to registering the Domain Name and it is highly unlikely that the Respondent registered the Domain Name independently for his own purposes. Given the high degree of renown attached to the Complainant's ACCENTURE mark, it is implausible for the Respondent to have registered the Domain Name other than to trade off the reputation and goodwill of the Complainant's mark.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, to obtain transfer of the Domain Name, the Complainant must prove the following three elements: (i) the Respondent's Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the Respondent has no rights

or legitimate interests in respect of the Domain Name; and (iii) the Respondent has registered the Domain Name and is using it in bad faith.

Under paragraph 15(a) of the Rules, "A 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".

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, asserted facts may be taken as true and reasonable inferences may be drawn from the information provided by the complainant. See *Reuters Limited v. Global Net 2000, Inc*, WIPO Case No. [D2000-0441](#).

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

This element requires a comparison to be made between the Domain Name and a trademark in which the Complainant has rights. The generic Top-Level Domain ("gTLD") of the Domain Name, ".com", is generally considered irrelevant to this element and may be disregarded. See *Magnum Piring, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#); *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

The Complainant has shown that it has rights in the ACCENTURE mark through numerous registrations, including with the USPTO (e.g. United States Reg. No. 3,091,811, registered on May 16, 2006). The Panel finds the Domain Name to be confusingly similar to the Complainant's mark, only differing by the addition of "carrers", which appears to be a misspelling of "careers" and does not prevent a finding of confusing similarity. See *Accenture Global Services Limited v. DotMedia Limited* (WIPO Case No. [D2020-1636](#)) (finding the domain name <accentureceecareers.com> confusingly similar to the Complainant's ACCENTURE mark).

The Complainant has established this element.

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

Paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in respect of the Domain Name for purposes of paragraph 4(a)(ii) of the Policy, *i.e.*

- (i) before any notice to the Respondent of the dispute, the use by the Respondent 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) the Respondent (as an individual, business or other organization) has been commonly known by the Domain Name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The Domain Name was registered on December 5, 2021, many years after the Complainant has shown that its ACCENTURE mark was registered and had become famous. The Domain Name does not resolve to an active website.

These circumstances, together with the Complainant's assertions, are sufficient to constitute a *prima facie* showing of an absence of rights or legitimate interests in respect of the Domain Name on the part of the Respondent. The burden of production therefore shifts to the Respondent to show that it does have rights or legitimate interests in the Domain Name. See *Cassava Enterprises Limited, Cassava Enterprises (Gibraltar) Limited v. Victor Chandler International Limited*, WIPO Case No. [D2004-0753](#). The Respondent has made no attempt to do so.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

The Complainant has established this element.

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

The four illustrative circumstances set out in paragraph 4(b) of the Policy as evidence of the registration and use of a domain name in bad faith for purposes of paragraph 4(a)(iii) are not exclusive.

The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's famous ACCENTURE mark when the Respondent registered the Domain Name and that it is more likely than not that the Respondent did so in order to mislead unsuspecting job seekers into believing they are communicating with the Complainant. Accordingly, the Panel finds that the Domain Name was registered in bad faith.

As to use, the Panel notes that, since its registration, the Domain Name has not resolved to an active website. The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), at section 3.3 states: "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or 'coming soon' page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put."

The Panel finds that, as in the leading case of *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), which also involved a famous trademark, there is no plausible good faith active use that could be made of the Domain Name. Accordingly, the Panel finds that the Respondent's passive use of the Domain Name constitutes use in bad faith.

The Complainant has established this element.

### **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 Domain Name, <accenturecarrers.com>, be transferred to the Complainant.

/Alan L. Limbury/

**Alan L. Limbury**

Sole Panelist

Date: May 5, 2022