

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. RICARDO JOSE VADELEUX Case No. D2022-2967

1. The Parties

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

The Respondent is RICARDO JOSE VADELEUX, France.

2. The Domain Name and Registrar

The disputed domain name <nl-acenture.com> is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 11, 2022. On August 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 16, 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 August 17, 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 August 20, 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 August 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2022.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on September 27, 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 Accenture Global Services Limited, an international company seated in Dublin, Ireland, that provides a broad range of services and solutions in strategy, consulting, digital, technology and operations, all under trademark ACCENTURE.

The Complainant operates worldwide since the beginning of the century and has offices and operations in over 200 cities in 200 countries.

The Complainant owns over 1000 registrations for the marks ACCENTURE and ACCENTURE & design in over 140 countries worldwide, including the United States of America (US) Registration No. 2,665,373, granted on December 24, 2002, as well as US Registration 3,091,811, granted on May 16, 2006 resulting from an application filed on October 26, 2000. A proof of the trademark registrations, both US and international ones, was attached to the Complaint as Annexes D and E.

The Complainant also claims ownership over the trade name Accenture derived from the company's name.

The Complainant has established rights over the mark ACCENTURE internationally, and its fame and renown is linked to the Complainant. One should note that ACCENTURE is not a dictionary word, but rather a fanciful and invented sign which distinctive character has been enhanced significantly throughout the years by the extensive use and promotion in relation to the Complainant.

The Complainant invested yearly extensive sums in advertising their services under the mark ACCENTURE. Several brand consulting companies in the industry have recognized the ACCENTURE mark as a leading global brand. The Complainant has also been contemplated with several international awards throughout the years. Proof of all these allegations, as well as of the renown of the mark ACCENTURE were presented as Annexes H to M of the Complaint.

The disputed domain name was registered on July 7, 2022. The disputed domain name resolves to a Registrar's parking page.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name <nl-acenture.com> is confusingly similar to the Complainant's mark registered and used worldwide. In fact, the only distinctive word integrating the disputed domain name is "acenture", which is virtually identical to the Complainant's registered mark.

The absence of one letter "c" is not sufficient to escape the finding that the disputed domain name is confusingly similar to Complainant's ACCENTURE trademark. The Complainant further argues that it is clear case of typosquatting.

The expression chosen by the Respondent to compose the disputed domain name together with "ac(c)enture" is "nl", which is the common abbreviation for the Netherlands. The abbreviation does not negate the confusing similarity between the disputed domain name and the Complainant's trademark. On the contrary, it leads to confusion, given the presence of the Complainant's mark.

The Complainant owns over a thousand registrations worldwide for trademark ACCENTURE, as well as the rights over the trade name, as evidence by the annexes to the Complaint.

The disputed domain name adopted by the Respondent – a reproduction of the Complainant's registered mark associated with descriptive abbreviation – show a clear intention of misleading the Internet users.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be presented and duly proven by a complainant to obtain relief. These elements are:

- (i) the disputed 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 to 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 Complainant has presented evidence of ownership of the trademark ACCENTURE in jurisdictions throughout the world, by presenting international registrations for it, as well as comprehensive evidence of the use of the trademark to identify the original services for over 20 years.

The disputed domain name is, indeed, confusingly similar to the ACCENTURE trademark. It clearly shows the Complainant's mark with the suppression of one of the letters "c" - which can be seen as an example of typosquatting.

The use of the trademark with one missing letter in the disputed domain name does not prevent a finding of confusing similarity, as the Complainant's trademark is recognizable within the disputed domain name. Further, the letter change can be also considered a common misspelling. Misspelling is indeed a fact which typosquatters normally take profit from by giving Internet users the impression that the disputed domain name belongs to the Complainant. The addition of the letters "nl" does not prevent a finding of confusing similarity.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

B. Rights or Legitimate Interests

Given the clear evidence that the trademark ACCENTURE is registered in the Complainant's name and is widely known as identifying the Complainant's activities, and that the Complainant has not licensed this to the Respondent, the Panel finds that the Complainant has established *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. In the absence of a Response, the Respondent has not rebutted such *prima facie* case.

The Respondent is not using the disputed domain name for a *bona fide* offering of goods or services, nor for a legitimate noncommercial or fair use of the disputed domain name - the Respondent is not making any direct use of the disputed domain name, but merely using it as a parking space.

The Panel, thus, finds for the Complainant under the second element of the Policy.

C. Registered and Used in Bad Faith

Given the circumstances of this case, the facts outlined in sections A and B above can also evidence the Respondent's bad faith in the registration and use of the disputed domain name.

The Panel finds that the Respondent has probably registered the disputed domain name with the purpose of taking unfair advantage of the Complainant's mark - hence the intentional typo in the trademark. Besides, the disputed domain name reproduces the Complainant's mark ACCENTURE, with the addition of the letters "nl".

The composition of the disputed domain name points towards the Respondent's likely intent to give an impression that the disputed domain name is associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that it is more likely than not, that the disputed domain name has been registered to take advantage due to its value as a trademark owned by the Complainant.

The current passive holding of the disputed domain name is also evidence of bad faith from the Respondent. Previous UDRP panels have found that the apparent lack of so-called active use of the domain name without any active attempt to sell or to contact the trademark holder does not prevent a finding of bad faith. See, e.g., *Redcats S.A. And La Redoute S.A. v. Tumay Asena*, WIPO Case No. [D2001-0859](#); see also *DCI S.A. v. Link Commercial Corporation*, WIPO Case No. [D2000-1232](#).

Here, the Panel further notes the distinctive and well-known nature of the Complainant's trademark ACCENTURE, the failure of the Respondent to submit a Response, and the implausibility of any good faith use to which the disputed domain name may be put, support a finding of bad faith.

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 <nl-acenture.com> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/
Alvaro Loureiro Oliveira
Sole Panelist
Date: November 1, 2022