

## **ADMINISTRATIVE PANEL DECISION**

Accenture Global Services Limited v. above\_privacy / Host Master, Transure Enterprise Ltd

Case No. D2022-3020

### **1. The Parties**

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

The Respondent is above\_privacy, USA / Host Master, Transure Enterprise Ltd, USA.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 17, 2022. On August 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 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 18, 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 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 14, 2022.

The Center appointed Andrew J. Park as the sole panelist in this matter on September 19, 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, Accenture Global Services Limited, is an international company 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 the ACCENTURE trademark, company name, and marks fully incorporating the ACCENTURE trademark. Since January 2001, the Complainant has extensively used and continues to use the ACCENTURE mark in connection with various services, including management consulting, technology services and outsourcing services. The Complainant has offices and operations in more than 200 cities in 50 countries.

The Complainant owns the below-listed United States trademark registrations for the ACCENTURE mark, ACCENTURE & Design mark, and the domain name <accenture.com> registered on August 29, 2000, for its official website.

Trademark	Classes	Registration No.	Registration Date
ACCENTURE	Classes 9, 16, 35, 36, 37, 41 and 42	3,091,811	May 16, 2006
ACCENTURE	Classes 9, 16, 35, 36, 37, 41 and 42	2,665,373	December 24, 2002
ACCENTURE	Classes 16, 18, 21, 24 and 28	3,340,780	November 20, 2007
ACCENTURE	Classes 18, 25 and 28	2,884,125	September 14, 2004

Also, the Complainant owns registrations for the ACCENTURE mark and ACCENTURE & Design mark in more than 140 countries to protect its trademark rights on an international basis.

The disputed domain name was registered by the Respondent on June 29, 2022, and currently resolves to a parking page with commercial links. The descriptions of these links are all related to the Complainant's business and when clicked, are connected to the suspicious websites of third-party companies.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that the disputed domain name should be transferred to the Complainant for the following reasons.

(a) The disputed domain name is identical or confusingly similar to the Complainant's trademark ACCENTURE and ACCENTURE & Design in which the Complainant has rights.

The Complainant's ownership of the trademark, ACCENTURE and the exclusive right to use the ACCENTURE trademark in commerce on or in connection with goods or services are *prima facie* evidence of the validity of the term, ACCENTURE as a trademark through its registration with the United States Patent and Trademark Office ("USPTO").

The disputed domain name incorporates the Complainant's trademark ACCENTURE paired with "alumni" which is a misspelling of the word "alumni". The Complainant is the registrant of the domain name <accenturealumni.com>, which it uses in connection with a business division for its former employees. Adding a descriptive term to a trademark in a domain name fails to negate confusing similarity between the disputed domain name and the Complainant's trademark, especially when the additional term suggests an affiliation with the Complainant.

Also, the addition of a generic Top Level Domain (“gTLD”) such as “.com” to the domain name is completely without legal significance.

(b) The Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent has no right including trademark rights in respect of the name ACCENTURE and 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.

The Respondent’s use of the disputed domain name to run pay-per-click links or to redirect Internet users to sponsored suspicious websites does not qualify as a *bona fide* offering of goods and services. Furthermore, the Respondent is not making a legitimate, noncommercial fair use of the disputed domain name, does not show any demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services, and is not commonly known by the disputed domain name prior to the date on which the Respondent registered the disputed domain name resulting in trading on the value of the Complainant’s famous trademark.

Therefore, it is clear that the Respondent has no rights or legitimate interests in the disputed domain name.

(c) The disputed domain name was registered and is being used in bad faith.

First, the Complainant claims that the Respondent registered the disputed domain name in bad faith. The disputed domain name was registered with the aim of taking advantage of the reputation and goodwill of the well-known trademark ACCENTURE of the Complainant. The Respondent must have been well acquainted with the Complainant’s trademark when it registered the disputed domain name and it definitely registered the disputed domain name to create confusion between the disputed domain name and the Complainant’s trademark.

Second, the Complainant claims that the Respondent is using the disputed domain name in bad faith. The Respondent registered the disputed domain name which is confusingly similar to the Complainant’s trademark to run a website which includes the sponsored click-through links all related to the Complainant’s business activities and connected to other suspicious and malicious third-party websites in order to attract, mislead, and deceive Internet users or consumers by causing their mistakes and confusion with the Complainant’s trademark as to the source, sponsorship, affiliation or endorsement of the Respondent’s website to which the disputed domain name resolved, or the products or services in the Respondent’s website for all commercial gain.

These are clear indications of bad faith and the purpose of the Respondent in registering the disputed domain name was definitely to mislead, confuse and divert consumers or to tarnish the Complainant’s well-known ACCENTURE trademark and prevent the Complainant from owning the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

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

This element consists of two parts: first, whether the Complainant has rights in a relevant trademark and, second, whether the disputed domain name is identical or confusingly similar to that trademark.

The Panel finds that the Complainant has established registered rights in the ACCENTURE trademark, and that the disputed domain name is confusingly similar to the Complainant’s trademark. The disputed domain

name incorporates the Complainant's trademark in its entirety. The mere addition of the term "alumini" does nothing to avoid a finding of confusing similarity to the Complainant's trademark. The Panel finds that the addition of the misspelled word "alumini" and the gTLD extension ".com" may be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11).

For these reasons, pursuant to the Policy, paragraph 4(a)(i), the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks.

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

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a *prima facie* case is made, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating its rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See [WIPO Overview 3.0](#), section 2.1.

Here, the Panel finds that the Complainant has made out a *prima facie* case.

The Complainant has asserted that the Respondent has no relationship with or authorization from the Complainant to use its trademarks. There is nothing in the record to suggest that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name or has been commonly known by the disputed domain name. The Respondent registered the disputed domain name and created a website using the disputed domain name redirecting the Internet users who visit the Respondent's website and click the pay-per-click links that are all related to the Complainant's business and to suspicious third-party websites all in an effort to confuse Internet users or consumers about the relationship between the Respondent and the Complainant and all without the Complainant's permission or authorization. All of these facts demonstrate that the Respondent never had an intention to use the disputed domain name in connection with a *bona fide* offering of goods and or services.

Further, the Panel is unable to find any reasonable basis upon which the Respondent could be said to have any rights or legitimate interests in respect of the disputed domain name, and the Respondent has not filed a formal Response.

Accordingly, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

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

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

- (i) circumstances indicating that the respondent has registered or 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 that the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark 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) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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.

The Complainant claims that the Respondent registered and is using the disputed domain name in bad faith in violation of the Policy, paragraph 4(a)(iii). Specifically, the Complainant claims that the Respondent violated the Policy, paragraph 4(b)(iv) by registering the disputed domain name in order to attempt to attract, for commercial gain, Internet users to the Respondent's website which the disputed domain name resolves to by creating a likelihood of confusion with the Complainant's trademark.

As stated previously, the Respondent did not file any response to the Complaint, failing thereby to rebut the Complainant's allegations of the Respondent's bad faith registration and use of the disputed domain name.

Nevertheless, the Panel still has the responsibility of determining which of the Complainant's assertions are established as facts, and whether the conclusions asserted by the Complainant can be drawn from the established facts (see *Harvey Norman Retailing Pty Ltd v. Oxford-University*, WIPO Case No. [D2000-0944](#)).

First, the Panel finds the Respondent intentionally registered the disputed domain name in bad faith. The Respondent registered the disputed domain name, which is confusingly similar to the Complainant's trademark, ACCENTURE, while aware of the Complainant's worldwide famous business and its trademark. Since the Complainant started its business in 2001, it has extensively used and continues to use its trademark ACCENTURE in connection with various services and specialties developing substantial goodwill in its trademark ACCENTURE. The Complainant's first use of the domain name <accenture.com> for the Complainant's official website in 2000, and its first registration of the ACCENTURE trademark in 2002, all pre-date the registration date of the disputed domain name by the Respondent in 2022, the sum of which clearly show that the Respondent had knowledge of the Complainant's trademark and business, when it registered the disputed domain name, and that it tried to benefit of a likelihood of confusion with the Complainant's trademark. Also, the Complainant has an official alumni program for former employees of the Complainant and is a registrant of the domain name <accenturealumni.com> for that business division. The similarities between the disputed domain name and the Complainant's domain name reinforces the impression that the Respondent intended the disputed domain name to create a likelihood of confusion with the Complainant's trademark and domain name. Thus, it is clear that the Respondent registered the disputed domain name in bad faith, with full knowledge of the Complainant's trademarks and business.

Second, the website to which the disputed domain name resolves is a parking page containing commercial links. These links are displaying words related to the Complainant's business and connected to the suspicious websites of third party companies. The Panel finds that the Respondent attempted to attract, for commercial gain, Internet users to its infringing website by creating a likelihood of confusion with the Complainant's trademark.

Accordingly, the evidence shows that the Respondent likely knew of and had sought to take unfair advantage of the confusing similarity between the disputed domain name and the Complainant's trademarks all for commercial gain. The Respondent registered and is using the disputed domain name in bad faith.

As the conduct described above falls squarely within paragraph 4(b)(iv) of the Policy, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith pursuant to the Policy, paragraph 4(a)(iii).

## 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 <accenturealumini.com> be transferred to the Complainant.

*/Andrew J. Park/*

**Andrew J. Park**

Sole Panelist

Date: October 4, 2022