

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. harika Younan and Harrika Web Services, Cway Services
Case No. D2023-3336

1. The Parties

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

The Respondents are harika Younan, Malta, and Harrika Web Services, Cway Services, Malta.

2. The Domain Names and Registrars

The disputed domain name <accentureholdingltd.com> is registered with HOSTINGER operations, UAB (the “First Registrar”).

The disputed domain name <accentureholdingsltd.com> is registered with Internet Domain Service BS Corp (the “Second Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 3, 2023. On August 3, 2023, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On August 4, 2023, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin / Whois Privacy Corp., Domain Admin / Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 2023, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity. The Complainant filed an amended Complaint on August 11, 2023.

The Center verified that the Complaint together with 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 Respondents of the Complaint, and the proceedings commenced on August 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 13, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on September 18, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on November 23, 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 a corporation organized under the laws of Ireland, with its principal place of business in Dublin, Ireland.

The ACCENTURE trademark has been recognized as a leading global brand by brand consulting companies in the industry, and has already been recognized as a renowned trademark in previous UDRP decisions (for example, *Accenture Global Services Limited v. ICS Inc. / PrivacyProtect.org*, WIPO Case No. [D2013-2098](#)).

The Complainant has numerous registrations for the ACCENTURE trademark around the world. The Complainant is, *inter alia*, the owner of the following:

- United States trademark registration number 3,091,811 for the ACCENTURE trademark registered on May 16, 2006;
- United States trademark registration number 2,665,373 for the ACCENTURE (device) trademark registered on December 24, 2002;
- United States trademark registration number 3,340,780 for the ACCENTURE (device) trademark registered on November 20, 2007.

The Complainant also owns and operates the domain name <accenture.com>, registered since August 30, 2000.

The disputed domain names, <accentureholdingsltd.com> and <accentureholdingltd.com>, were registered on September 12, 2022 and July 8, 2023, respectively.

The disputed domain names are currently inactive. From the submissions provided by the Complainant, it appears that previously the Respondent used the disputed domain names for unauthorized websites offering services competing with those of the Complainant and presenting the Respondent as "Accenture Holdings Limited", and that the Respondent, without any authorization, adopted and indicated on its websites the identity and registration information of the former New Zealand company named "Accenture Holdings Limited" (now registered and operating under a different name).

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the ACCENTURE trademark, that the Respondents have no rights or legitimate interests in respect of the

disputed domain names, and particularly that the Respondents registered and used the disputed domain names, which are now inactive, for unauthorized commercial websites offering services competing with those offered by the Complainant, impersonating or at least attempting to appear affiliated with the Complainant, and that this is clear inference of bad faith use and registration of the disputed domain names.

Regarding the Respondents' identity, the Complainant has requested a consolidation of multiple disputed domain names and the Respondents. In support of the above request, the Complainant claims that:

1. both Respondents are related, to the extent that a sufficient unity of interest exists such that they may essentially be treated as a single domain name holder for the purposes of Policy paragraph 3(c) of the Rules;
2. both disputed domain names were used to advertise and promote investment and strategy services in the fields of crypto, real estate, agriculture, and trade, which are all fields or industries in which the Complainant provides its consulting services;
3. the website linked to the disputed domain name <accentureholdingltd.com> displayed the exact content that previously appeared at <accentureholdingsltd.com>;
4. the registrants share the same email address;
5. consolidation of proceedings would be fair and equitable to all parties.

B. Respondent

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

6. Discussion and Findings

6.1. Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition \("WIPO Overview 3.0"\)](#), section 4.11.2.

As regards common control, the Panel owing to the fact that the registrants of the disputed domain names share the same email address and that the disputed domain names were linked to websites displaying the exact same content, finds that the disputed domain names identified in the Complaint, on the balance of probability, are registered by the same domain name holder or are at least under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

6.2. Substantive Issues

In order for the Complainant to obtain a transfer of the disputed domain names, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is incorporated entirely and recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the other terms here, “holding(s)” and “Ltd”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here claimed as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent was aware of the Complainant's trademark registrations and rights to the ACCENTURE trademark when it registered the disputed domain names.

ACCENTURE is not a common or descriptive term, but a renowned trademark. The disputed domain names contain in its entirety, without any authorization or approval, the Complainant's registered ACCENTURE trademarks, and this is the only distinctive component of the disputed domain names. Moreover, the Respondent has combined said distinctive trademark with the acronymic corporate identifier "ltd" that is directly associated with the Complainant's corporate status.

The disputed domain names were registered many years after the Complainant's renowned trademark was registered and were being used to offer services in direct competition with those of the Complainant. In addition, owing to the substantial presence established worldwide and on the Internet by the Complainant, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant's trademarks when registering the disputed domain names.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain names, had knowledge of the Complainant's earlier rights to the ACCENTURE trademark and trade name.

Indeed, the Respondent's previous use of the disputed domain names for unauthorized commercial websites offering services competing with those of the Complainant is a clear inference that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark, and this amounts to bad faith use and registration of the disputed domain names.

The bad faith registration and use of the disputed domain names are also affirmed by the fact that the Respondent did not respond to, nor has it denied the assertions of bad faith made by the Complainant in this proceeding. This is further evidence of bad faith in accordance with paragraph 4(b)(i) of the Policy.

Panels 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. [WIPO Overview 3.0](#), section 3.3. Having reviewed the record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain names, and the previous use of the domain names, and finds that in the circumstances of this case the current passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 names <accentureholdingltd.com> and <accentureholdingsltd.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: December 5, 2023