

## ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Trey Roundy Roundy and Temitope Otuyemi

Case No. D2023-4063

### 1. The Parties

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

The Respondents are Trey Roundy Roundy, United States, and Temitope Otuyemi, Nigeria.

### 2. The Domain Names and Registrars

The disputed domain name <accenturejoboffer.com> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the “First Registrar”). The disputed domain name <accenturejoboffers.com> is registered with NameCheap, Inc. (the “Second Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 28, 2023. On September 28, 2023, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On September 28, 2023 and October 10, 2023, the Registrars transmitted by email to the Center their verification responses, disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Domain Administrator / Admin of accenturejoboffer.com and Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 10, 2023 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint for the disputed domain name associated with a different underlying registrant or alternatively, demonstrate that the underlying registrants are in fact the same entity. The Complainant filed an amended Complaint on October 14, 2023.

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 Respondents of the Complaint, and the proceedings commenced on October 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 12, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on November 15, 2023.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on December 4, 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 an international business providing services and solutions in strategy, consulting, digital, technology, and operations under the name Accenture. The Complainant has offices and operations in more than 200 cities in 50 countries.

The Complainant owns trademark registrations in several jurisdictions for ACCENTURE, including the following:

- The United States registration no. 3,091,811, registered on May 16, 2006, for various goods and services in classes 9, 16, 35, 36, 37, 41 and 42;
- The United States registration no. 2,665,373 (figurative trademark) registered on December 24, 2002, for various goods and services in classes 9, 16, 35, 36, 37, 41 and 42;
- The United States registration no. 3,340,780 (figurative trademark) registered on November 20, 2007, for various goods in classes 16, 18, 20, 21, 24 and 28;
- The United States registration no. 2,884,125 (figurative trademark) registered on September 14, 2004, for various goods in classes 18, 25 and 28.

The Complainant owns the domain name <accenture.com> where Internet users can find information on the Complainant's services.

The disputed domain name <accenturejoboffer.com> was registered on September 7, 2023. The disputed domain name <accenturejoboffers.com> was registered on September 13, 2023.

According to the Complaint, the disputed domain name <accenturejoboffer.com> was in use for a phishing scheme, as the disputed domain name resolved to a website displaying the Complainant's ACCENTURE trademark and logo and inviting visitors to the site to "Work With Us Today At Accenture Digital Marketing." On the home page, the site at the disputed domain name also replicated the logos of legitimate third-party recruitment or employment websites (such as ZipRecruiter, LinkedIn, and Indeed), and invited visitors to "Verify My Application," which led to a form in which visitors to the site were asked to input personal information, including their full name, phone number, email address, "Bank Name for Payroll", and their Social Security Number, along with an uploaded resume and photos of their driver's license.

On September 13, 2023, following the Complainant's abuse report sent to the First Registrar on September 8, 2023, the similarly-structured disputed domain name <accenturejoboffers.com> was registered and was immediately set up with the same hiring website content. Both disputed domain names are inactive at the time of this Decision.

## 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 its trademarks;
- the Respondents have no rights or legitimate interests in respect of the disputed domain names;
- the Respondents have registered and are using the disputed domain names in bad faith.

### B. Respondents

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

## 6. Discussion and Findings

### 6.1. Consolidation: 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 and/or that both disputed domain names are under common control. The Complainant requests the consolidation of Respondents pursuant to paragraph 10(e) of the Rules.

The disputed domain names 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 notes that:

- The disputed domain names were registered within one week;
- The disputed domain names contain the same name pattern: the Complainant's trademark plus the term "job offer" (in singular and plural)
- The disputed domain names resolved to websites with the same content used to collect personal data in a fraudulent job offer platform.

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

Accordingly, the Panel decides to proceed on a consolidated basis against the nominally different disputed domain names registrants (referred to below as "the Respondent") in a single proceeding.

### 6.2 Substantive Issues

Paragraph 4(a) of the Policy lists three elements, which a complainant must satisfy in order to succeed. The Complainant must satisfy 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 entirety of the mark is reproduced 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 other terms like "job" and "offer/s" 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.

The composition of the disputed domain names is inherently misleading. Furthermore, the Respondent's use of the disputed domain names to redirect users to a website posing as an employment resource and collecting personal information for phishing purposes does not qualify as a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use.

Panels have held that the use of a domain name for illegal activity such as phishing 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.

In the present case, the Panel notes that the Respondent's use of the disputed domain names to create a false association with the Complainant and to perpetuate fraudulent employment or phishing schemes under the guise of an official recruiting website operated by the Complainant constitutes bad faith pursuant to the Policy.

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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the current non-use of the disputed domain names does not prevent a finding of bad faith in the circumstances of this proceeding. Although 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, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the Respondent's failure to submit a response and prior use of the disputed 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 that the Complainant has established the third element of the Policy

### **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 <accenturejoboffer.com> and <accenturejoboffers.com> be transferred to the Complainant.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: December 18, 2023.