

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Julien Charbonnel
Case No. D2023-4868

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 Julien Charbonnel, France.

2. The Domain Name and Registrar

The disputed domain name <accenture-pl.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 22, 2023. On November 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 24, 2023, 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 (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 24, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Center sent an email communication to The Complainant on November 24, 2023, requesting a clarification of mutual jurisdiction. The Complainant responded to the Center’s email communication on November 25, 2023, confirming the mutual jurisdiction. The Complainant then filed an amended Complaint on November 28, 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 Respondent of the Complaint, and the proceedings commenced on November 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2023.

The Center appointed Alissia Shchichka as the sole panelist in this matter on January 3, 2024. 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, a company engaged in management consulting, business process services, technology services, and outsourcing services, covering various aspects such as supply chain and logistics services. The Complainant operates in over 200 cities across 50 countries.

The Complainant has evidenced to be the registered owner of numerous trademark registrations, including, but not limited, to the following:

- United States trademark registration No. 3,091,811, registered on May 16, 2006, for the word mark ACCENTURE, in classes 9, 16, 35, 36, 37, 41 and 42;
- United States trademark registration No. 2,665,373, registered on December 24, 2002, for the word mark ACCENTURE >, in classes 9, 16, 35, 36, 37, 41 and 42;
- European Union trademark registration No. 001925650, registered on October 9, 2002, for the word mark ACCENTURE, in classes 9, 16, 35, 36, 37, 39, 41 and 42.

The Complainant is also the owner of the domain name <Accenture.com>, registered on August 30, 2000.

The above trademarks and domain name were registered prior to the registration of the disputed domain name, which was registered on November 1, 2023. The disputed domain name currently displays an inactive webpage. According to the evidence provided by the Complainant, the Respondent has used the disputed domain name in connection with a phishing email scheme impersonating an employee of the Complainant and attempting to illegally procure large orders on credit and in the Complainant's name.

The Respondent, according to the disclosed Whois information for the disputed domain name, is located in France.

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 name.

Notably, the Complainant asserts that the ACCENTURE trademark is widely recognized as a leading global brand, consistently ranking high in industry reports. Notably, it has been featured in Interbrand's Best Global Brands Report since 2002, with a rank of 31st in the 2022 report. The BrandZ has also acknowledged the ACCENTURE trademark in its ranking—Top 100 Brand Rankings—since 2006, with a 2022 ranking of 26th and a brand valuation of USD 82.6 billion. Additionally, Accenture secured the 34th position in Brand Finance's 2023 Global 500 brand rankings.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's trademark ACCENTURE as it incorporates the entire trademark. The addition of a hyphen and the geographical abbreviation "pl" to the ACCENTURE trademark does not alter the overall impression that the disputed domain name is associated with the Complainant's trademark or prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademarks. In respect of the generic Top-Level Domain ("gTLD") ".com", which forms part of the disputed domain name, the Complainant requests that the Panel disregard it under the first element as it is a standard registration requirement.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name since (1) the Complainant has never licensed, contracted, or otherwise permitted the Respondent to apply to register the disputed domain name, (2) the Respondent is not commonly known by the disputed domain name, and has not used or prepared to use the disputed domain name in connection with a *bona fide* offering of goods or services, and (3) the Respondent has misused the disputed domain name, currently directing users to an inactive webpage and being used in connection with a phishing email scheme impersonating an employee of the Complainant and attempting to illegally procure large orders on credit and in the Complainant's name.

Finally, the Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith since (1) the Complainant's ACCENTURE trademark is well known, and (2) the Respondent's use of the disputed domain name in connection with a phishing scheme, wherein the Respondent impersonated an employee, shows that at the time of the registration of the disputed domain name, the Respondent clearly knew and targeted the Complainant's prior registered and famous ACCENTURE trademark in order to perpetuate a financial fraud/phishing scam. Such use cannot be considered a *bona fide* offering of goods or services.

Therefore, the Complainant alleges that the registration and use of the disputed domain name was, and currently is, in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 ACCENTURE is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms (here, the term “pl” as an abbreviation for the geographical term “Poland”) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s ACCENTURE trademark 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 name.

The Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the ACCENTURE trademarks or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with the ACCENTURE trademark, and there is no evidence showing that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

Based on the available record, the Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.4.

In particular, panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. In this context, this Panel has noted that the disputed domain name was used in connection with a phishing scheme, wherein the Respondent impersonated an employee of the Complainant and attempted to perpetrate financial fraud. Such use of the disputed domain name may, therefore, not confer any rights or legitimate interests within the meaning of the Policy.

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 name such as those enumerated in the Policy or otherwise.

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 Complainant's well-known ACCENTURE trademark substantially predates the Respondent's registration of the disputed domain name. Therefore, the Respondent knew or should have known of the Complainant's trademarks at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Further, the mere registration of the disputed domain name that is confusingly similar to the Complainant's widely known trademark by the Respondent, who is unaffiliated with the Complainant, can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Moreover, the Respondent's knowledge of the Complainant and its trademark can be readily inferred from the Respondent's prior use of the disputed domain name, which has been used to send the fraudulent emails impersonating the Complainant trying to perpetuate a financial fraud. Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Furthermore, using the disputed domain name for illegal phishing activities by sending fraudulent emails under it, thereby impersonating an employee of the Complainant, and seeking to unlawfully secure substantial orders on credit in the name of the Complainant, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own email communication by creating a likelihood of confusion with the Complainant's ACCENTURE trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's phishing emails. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), sections 3.1 and 3.4.

The current non-use of the disputed domain name does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

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 name <accenture-pl.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: January 17, 2024