

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. accenture shares, accenture shares Case No. D2024-0049

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 accenture shares, accenture shares, United Kingdom (“UK”).¹

2. The Domain Name and Registrar

The disputed domain name <accenture-shares.com> (the “Domain Name”) is registered with Metaregistrar BV (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 6, 2024. On January 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 18, 2024 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 January 23, 2024.

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”).

¹The Panel notes that the Complainant has requested redaction of the Respondent's name on the basis that the Respondent is impersonating an entity. While the Panel, as discussed later in the decision, finds that the Respondent is using a fake name, redaction of a respondent's details in a UDRP decision is generally ordered in limited circumstances, generally in cases where the Respondent is impersonating a named individual whose reputation would be damaged by being (incorrectly) identified as a respondent in a UDRP decision. In the present case, the Respondent is simply impersonating a corporate entity, namely the Complainant. The Panel declines to redact the name of the Respondent from this decision.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 28, 2024.

The Center appointed Nicholas Smith as the sole panelist in this matter on March 8, 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 an international consulting firm that since 2001 has provided a range of services and solutions in the strategy, consulting, digital, technology and operations space under the trademark ACCENTURE (the "ACCENTURE Mark"). The Complainant promotes its services through various means including from its website at "www.accenture.com" ("Complainant's Website") and its global advertising expenditures average greater than USD 50 million a year over the past 10 years.

The Complainant has held a trademark registration for the ACCENTURE Mark in various jurisdictions including a United States Patent and Trademark Office registration for the ACCENTURE Mark (Registration number 3,091,811, registered May 16, 2006 for various goods and services in classes 9, 16, 35, 36, 37, 41, and 42).

The Domain Name was registered on December 14, 2023. The Domain Name resolves to a website (the "Respondent's Website") that purports to offer competing financial services/financial advisory services under the ACCENTURE Mark but is actually passing off as the Complainant, including by copying the Complainant's UK business address and UK Companies House certificate of incorporation on the Respondent's Website.

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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of the ACCENTURE Mark, having registered the ACCENTURE Mark in various jurisdictions. The Domain Name is confusingly similar to the ACCENTURE Mark as it reproduces the ACCENTURE Mark in its entirety and adds the term "-shares".
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the ACCENTURE Mark. The Respondent is not commonly known by the ACCENTURE Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather, the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by reproducing the Complainant's trademark, business address and certificate of incorporation on the Respondent's Website while purporting to offer financial services in competition with the Complainant. Such use is not a legitimate use of the Domain Name.

c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to divert Internet users searching for the Complainant to the Respondent's Website to disrupt the Complainant's business and divert Internet users searching for the Complainant to a competing website for commercial gain. Such conduct amounts to registration and use of the Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

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 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 is reproduced within the Domain Name. Accordingly, the Domain Name is identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other elements, here "-shares", 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 Domain Name 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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. 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 Domain Name.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

While the Domain Name is purportedly registered to an entity known as “accenture shares”, the Panel finds, on the balance of probabilities, that this name is simply a fake name, designed to give some implied legitimacy to the Respondent. The contact details provided by the Respondent are fake in that they are the address of the Complainant’s London office and the Respondent displays the Complainant’s Certificate of Incorporation on the Respondent’s Website.

The Respondent’s use of the Domain Name to resolve to a webpage reproducing the Complainant’s ACCENTURE Mark and material describing the Complainant and purporting to offer financial services in competition with the Complainant does not amount to use for a bona fide offering of goods and services. Rather, it appears that the purpose behind the Respondent’s Website is to encourage visitors to conduct business with the Respondent, under the impression that they are dealing with the Complainant, such conduct not being bona fide.

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.

The Panel finds that the Respondent must have been aware of the Complainant and its reputation in the ACCENTURE Mark at the time the Respondent registered the Domain Name. The Respondent has provided no explanation, and neither it is immediately obvious, why an entity would register a domain name incorporating the coined ACCENTURE Mark (with the addition of the term “-shares”) and redirect it to a website clearly passing off as the Complainant (through reproduction of the Complainant’s business address and certificate of incorporation) unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its ACCENTURE Mark.

The Respondent’s Website purports to offer financial services in competition with the Complainant while including material that creates the impression that it is a website associated with the Complainant. Noting the coined nature of the ACCENTURE Mark and the absence of any explanation for the registration, the Panel considers that the most likely explanation is that the Respondent is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the ACCENTURE Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 Domain Name <accenture-shares.com> be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: March 22, 2024