

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Fan zhi
Case No. D2024-0285

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 Fan zhi, Hong Kong, China.

2. The Domain Names and Registrar

The Domain Names <accenture-usdt.com>, <accenture-usdt.org> are 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 January 23, 2024. On January 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 25, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 February 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 26, 2024.

The Center appointed Enrique Bardales Mendoza as the sole panelist in this matter on March 4, 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 business that provides a broad range of services and solutions in strategy, consulting, digital, technology and operations under the name Accenture.

The Complainant is the owner of numerous trademarks, including:

- United States trademark ACCENTURE (denominative) registered under Registration No. 3,091,811 on May 16, 2006, for goods and services in international classes 9, 16, 35, 36, 37, 41 and 42.
- United States trademark ACCENTURE (denominative) registered under Registration No. 7,266,256 on January 9, 2024, for goods and services in international classes 9, 35, 36, 37, 41 and 42.
- United States trademark ACCENTURE > (mixed) registered under Registration No. 2,665,373 on December 24, 2002, for services in international classes 35, 36, 41 and 42.
- United States trademark ACCENTURE (mixed) registered under Registration No. 3,340,780 on November 20, 2007, for goods in international classes 16, 18, 21, 24 and 28.
- United States trademark ACCENTURE (mixed) registered under Registration No. 2,884,125 on September 14, 2004, for goods in international classes 18, 25 and 28.
- United States trademark ACCENTURE (mixed) registered under Registration No. 7,258,092 on January 2, 2024, for goods and services in international classes 9, 35, 36, 37, 41 and 42.
- United States trademark ACCENTURE (mixed) registered under Registration No. 7,258,093 on January 2, 2024, for goods and services in international classes 9, 35, 36, 37, 41 and 42.

The Domain Names were registered on January 13, 2024. At the time of the Complaint, both Domain Names resolved to the websites demonstrating that Respondent is holding itself out under the Complainant's trademark, displaying the Complainant's logo, and featuring photographs of Accenture buildings or office spaces. Both Domain Names are inaccessible since it is not possible to connect to their host servers at the time of issuance 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 Domain Names.

B. Respondent

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

6. Discussion and Findings

In an UDRP procedure, according to paragraph 4(a) of the Policy, the Complainant must establish the following elements:

- (i) the Domain Name is 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 Domain Name; and
- (iii) the Domain Name has been registered and is 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 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 Names. Accordingly, the Domain Names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "-usdt", the Panel finds the addition of such term does not prevent a finding of confusing identical between the Domain Names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Lastly, the addition of the generic Top-Level Domain ("gTLD") ".com" and ".org" to the Domain Names has no relevance since they are terms without distinctive capacity. Therefore, the Panel finds the addition of the gTLD does not prevent a finding of confusing identical between the 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 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 Domain Names such as those enumerated in the Policy or otherwise.

- (i) First of all, the Respondent has not submitted any response and has not claimed any rights or legitimate interests with respect to the Domain Names. As per the Complaint, the Respondent was not authorized to register the Domain Names.

- (ii) Secondly, the Respondent did not demonstrate, prior to the notice of the dispute, any use of the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services.
- (iii) Thirdly, the Domain Names constitutes a total transcription of the Complainant's trademark.
- (iv) Moreover, the Complainant has provided evidence showing that the Domain Names resolved to websites displaying the Complainant's trademark and allegedly offering for sale the Complainant's services. Further, the websites do not appear to have accurately and prominently disclose the lack of relationship between the Respondent and the Complainant.
- (v) There is no evidence on record giving rise to any rights or legitimate interests in the Domain Names on the part of the Respondent within the meaning of paragraph 4(c) of the Policy.

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.

The Panel concludes that the Respondent has registered and used the Domain Names in bad faith for the following reasons:

- (i) ACCENTURE trademark had been widely used and registered by the Complainant before the Domain Names' registration.
- (ii) The Respondent had sufficient tools to verify that the Complainant is the owner of the ACCENTURE trademarks. For instance, the Respondent could have used a search engine for this purpose before registering the Domain Names.
- (iii) The Complainant and its trademarks are widely known and may suffer bad reputation because the Domain Names incorporate the ACCENTURE trademark in its entirety.
- (iv) Although, the Domain Names are not currently active and functional, after having reviewed the Complainant's evidence of the website linked to the Domain Names, the Panel is of the opinion that the Respondent has intentionally registered the Domain Names in order to generate traffic to its own website. The Panel notes that the Respondent has not published an accurate and prominent disclaimer on its website to explain that there is no existing relationship between the Respondent and the Complainant. On the contrary, the prominent use trademarks of the Complainant on the associated websites as well as the inherently misleading nature of the Domain Names is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract, for illegitimate commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation or endorsement of its website. [WIPO Overview 3.0](#), section 3.1.4.

Further, the Panel finds that the lack of Response supports Panel's finding of bad faith.

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 <accenture-usdt.com> and <accenture-usdt.org> be transferred to the Complainant.

/Enrique Bardales Mendoza/

Enrique Bardales Mendoza

Sole Panelist

Date: March 18, 2024