

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Domain Administrator
Case No. D2024-0626

1. The Parties

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

The Respondent is Domain Administrator, United States of America.

2. The Domain Name and Registrar

The disputed domain name <accenturemarkets.com> is registered with NameSilo, LLC. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2024. On February 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 12, 2024, 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 (REDACTED FOR PRIVACY / PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 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 February 17, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2024. The Respondent sent informal email communications to the Center on February 18, 2024 and February 19, 2024. The Respondent did not submit a formal response. The Center notified the Parties of the Commencement of Panel Appointment Process on March 18, 2024.

The Center appointed María Alejandra López as the sole panelist in this matter on March 26, 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 at a worldwide level. The Complainant has offices and operations in more than 200 cities in 50 countries.

The Complainant began using the Trademark ACCENTURE in connection with various services, including management consulting, technology services and outsourcing services, on January 1, 2001.

According with the records, the Complainant owns multiple registration across the world including the following Trademarks:

- United States Trademark for ACCENTURE (word mark), Reg. No. 3,091,811, in International Classes (“ICs”) 9, 16, 35, 36, 37, 41 and 42, registered on May 16, 2006 and in force until May 18, 2026.
- United States Trademark for ACCENTURE (and design), Reg. No. 3,340,780, in ICs 16, 18, 21, 24, and 28, registered on November 20, 2007 and in force until November 22, 2027.
- European Union Trademark for ACCENTURE (word mark), Reg. No. 001925650, in ICs 9, 16, 35, 36, 37, 39, 41 and 42, filed on October 27, 2000, registered on October 9, 2002 and in force until October 27, 2030.

The Complainant also owns the domain name <accenture.com> registered on August 29, 2000, used as its official website where Internet users can find detailed information about the management consulting, technology services, outsourcing, including consulting services in the field of financial services, financial technologies (or “FinTech”), capital markets, and investments, all offered by the Complainant in connection with its Trademark ACCENTURE.

The ACCENTURE Trademark has been recognized by Interbrand’s Best Global Brands Report since 2002; by Kantar Millward Brown’s BrandZ – Top 100 Brand Rankings since 2006; and by Brand Finance’s Global 500 brand rankings, on 2023 ranked number one in IT Services. Also, it has been listed in the Fortune Global 500 and received many others substantial awards and recognitions.

The disputed domain name was registered on November 17, 2023. According to the Complainant’s submissions, the disputed domain name resolved to a website built for promoting competing financial services (automated trading platform to invest in Forex, Real State, Stock market, crypto currencies, blockchain technologies, natural resources as oil and gas). By the time of this Decision, the disputed domain name resolved to a pay-per-click (“PPC”) website with commercial links related to the Complainant business activities.

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.

In relation to the first element of the Policy, in summary, the Complainant contends that the disputed domain name is confusingly similar to the ACCENTURE Trademark, which is well-known, status that has been recognized by previous panels already.

In relation to the second element of the Policy, in summary, the Complainant contends that the Respondent is neither affiliated with, nor has it been licensed or authorized to use the Complainant's ACCENTURE Trademarks, including as a domain name; that the Respondent is not commonly known by the disputed domain name; that the Respondent is using the disputed domain name to impersonate the Complainant or to advertise and promote a financial business that competes, or has the potential to compete, directly with the Complainant's financial services offerings, which doesn't constitute a legitimate, noncommercial fair use of the disputed domain name, or a use in connection with the bona fide offering of goods or services; that the Respondent makes use of the Complainant's well-known Trademark ACCENTURE along the entire website; that the advertised services all appear to be false and fraudulent, since different pages of the website list different addresses for the Respondent, suggesting that Respondent is using the content and contact information at the website to confuse and redirect unsuspecting visitors. Furthermore, the Complainant contends that the Respondent's website solicits user registrations and logins, which suggests that the Respondent is using the ACCENTURE Trademark to trick consumers into disclosing personal information.

In relation to the third element of the Policy, the Complainant contends in summary, that the Respondent registered the disputed domain name in bad faith given the nature, status and reputation of the Complainant's Trademark ACCENTURE including on the Internet; that the Respondent is using the disputed domain name in bad faith, since it is using it to intentionally mislead and confuse the public into believing that Respondent is associated or affiliated with Complainant for fraudulent purposes.

B. Respondent

The Respondent did not substantially reply to the Complainant's contentions. Instead, the Respondent sent to the Center the following communications:

On February 18, 2024, the Respondent sent two email communications stating: "*The website has been taken down*" and "*Please take down the website as I don't support copyright infringement.*"

On February 19, 2024 the Respondent stated: "*I believe this case should be closed now, since the domain name has been taken down*".

On February 19, 2024, the Center acknowledged receipt of the communications, indicated to the Respondent that a Complaint has been filed against "him" and asked the Respondent about its willing of exploring a settlement with the Complainant; that in case of being affirmative, the Center will inform the Complainant.

On February 19, 2024, the Respondent replied: "*What are the settlement options*".

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 disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the ACCENTURE Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the ACCENTURE Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term here, “markets” 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

As for the applicable generic Top-Level Domain (“gTLD”) “. com”, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

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. Despite the Respondent replied in different occasions during this proceeding as described on section B of this Decision, the Respondent chose not to rebut 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.

According with the Complainant’s submissions, the Panel finds that certainly the Respondent is not commonly known by the disputed domain name; that there is no commercial link between them, that the Complainant has never granted any kind of license and/or authorization to use the Trademark ACCENTURE including as a domain name; that none of the Respondent’s uses of the disputed domain name can possibly constitute a legitimate, noncommercial fair use, or a use in connection with the bona fide offering of goods or services as set out in paragraph 4(c)(i) and 4(c)(iii) of the Policy. [WIPO Overview 3.0](#), sections 2.3, 2.4 and 2.9.

Accordingly, panels have held that the use of a domain name for illegal activity here, claimed as impersonation/passing off, potential phishing, malware distribution, unauthorized account access/hacking, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

Based on the evidence, and as confirmed by previous panels, the Panel finds that certainly ACCENTURE holds a worldwide significant well-known trademark status (see, e.g.: *Accenture Global Services Limited v. ICS INC. / PrivacyProtect.org*, WIPO Case No. [D2013-2098](#); *Accenture Global Services Limited v. Whols Privacy Protection Service, Inc./ ROBERT GREEN*, WIPO Case No. [D2013-2100](#); *Accenture Global Services Limited v. chiagozie alloy*, WIPO Case No. [D2022-4526](#); *Accenture Global Services Limited v. Julien Charbonnel*, WIPO Case No. [D2023-4868](#); *Accenture Global Services Limited v. Richard Y*, WIPO Case No. [D2024-0418](#)).

On the issue of registration, given the status of the Complainant's Trademark, which rights significantly predate the date of the disputed domain name's registration, to this Panel, it is clear to find that the Respondent did in bad faith. [WIPO Overview 3.0](#), section 3.2.2.

On the issue of use, impersonation by itself it is sufficient in proving bad faith. As previous panels have held that the use of a domain name for illegal activity here, claimed as impersonation/passing off, potential phishing, malware distribution, unauthorized account access/hacking, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Furthermore, the Panel finds that the [current] use of the disputed domain name is being done in connection with a monetized parking page with commercial links related to the Complainant business activity, which constitutes bad faith under paragraph 4(b)(iii) and (iv) of the Policy. [WIPO Overview 3.0](#), section 3.5.

Therefore, having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <accenturemarkets.com> be transferred to the Complainant.

/María Alejandra López/

María Alejandra López

Sole Panelist

Date: April 9, 2024