

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. one devs
Case No. D2024-1760

1. The Parties

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

The Respondent is one devs, India.

2. The Domain Name and Registrar

The disputed domain name <accentureprojects.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 26, 2024. On April 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 29, 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 (Domain Admin/Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 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 May 4, 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 May 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 6, 2024.

The Center appointed Catherine Slater as the sole panelist in this matter on June 12, 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 a company registered in Ireland and has used the ACCENTURE mark since 2001 in connection with various services, including management consulting, technology services, and outsourcing services. The Complainant has operations in more than 50 countries.

The Complainant provides evidence that it owns a large international portfolio of trade mark registrations for the plain word ACCENTURE and for the stylized word ACCENTURE (together referred to herein as “the ACCENTURE trade mark”). These registrations include:

- United States Trademark 2,665,373 for ACCENTURE (stylized word), registered on December 24, 2002;
- United States Trademark 3,091,811 for ACCENTURE, registered on May 16, 2006;

The substantial filed evidence establishes that the ACCENTURE trade mark is very well-known and is a leading global brand.

The Complainant owns the domain name <accenture.com> which was registered on August 29, 2000.

The disputed domain name was registered on April 3, 2024.

The disputed domain name does not resolve to any webpage other than one displaying an error message to the effect that the page cannot be found. The disputed domain name has been used to impersonate the Complainant (or a company affiliated to the Complainant) in order to conduct a phishing scam.

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 contends that the disputed domain name is confusingly similar to the ACCENTURE trade mark. It notes that the disputed domain name contains the ACCENTURE trade mark paired with the descriptive term “projects”, that the ACCENTURE trade mark is famous and a word invented by the Complainant that is therefore associated exclusively with the Complainant, that adding a descriptive word to a trade mark does not negate similarity and in fact only adds to the confusing similarity since Internet users will believe the disputed domain name to refer to projects of the Complainant or project services relating to the Complainant.

The Complainant further contends that the Respondent has no legitimate interests in respect of the disputed domain name since the Respondent is neither affiliated with the Complainant nor authorized to use the ACCENTURE trade mark, the Respondent's name is “one devs” and they are not therefore commonly known by the disputed domain name, the Respondent is not using the disputed domain name since it resolves to a page displaying an error message. The Complainant also contends that the Respondent has used the domain name for an e-mail address which has then been used to impersonate an employee of Accenture India Pvt Ltd, which is a company affiliated with the Complainant, and that such use does not establish rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith because the Respondent, by reason of the Complainant's worldwide reputation, was or should have been aware of the ACCENTURE trade mark. The Complainant further contends that the use of the disputed domain name for a corresponding e-mail address in order to create a false association with the Complainant and to perpetuate a phishing scam under the guise of an offer of employment with the Complainant constitutes bad faith. The Complainant says that the Respondent registered and is using the disputed domain name to intentionally mislead and confuse the public into believing that the Respondent is associated or affiliated with the Complainant for misleading or fraudulent purposes.

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "projects", 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.

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 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.

Indeed, the Panel finds that the use made of the disputed domain name is the opposite of legitimate. The Respondent has used the disputed domain name to create a corresponding e-mail address in order to engage in a phishing campaign (or at least the impersonation/passing off of the Complainant) and this demonstrates a lack of rights or legitimate interests. The Panel discusses the Respondent's conduct in this regard in more detail below.

Panels have held that the use of a domain name for illegal activity here, claimed phishing and/or impersonation/passing off, 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.

Panels have held that the use of a domain name for illegal activity here, claimed phishing and/or impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In the present case, the Panel notes that the Respondent has composed the disputed domain name by combining the Complainant's ACCENTURE trade mark with the descriptive word 'projects'. The reason for that composition is revealed by the use to which the Respondent has subsequently put the disputed domain name which is shown in a number of messages submitted in evidence by the Complainant. That use is as a corresponding e-mail address that purports to belong to 'Accenture HR' and which is used to send messages promising projects (i.e., work) to people. The messages are also 'signed off' as being from Accenture India Pvt Ltd. In other words, the Respondent has attempted to convince people that its messages are from the HR Department of a company affiliated with the Complainant.

In short, at the time of registering the disputed domain name the Respondent clearly knew of the Complainant and deliberately chose to register a name incorporating the Complainant's ACCENTURE trade mark together with the descriptive term 'projects' for the purpose of facilitating a phishing scam involving the offering of projects to people. The Respondent has then gone on to use the disputed domain name to create a corresponding e-mail address for the purpose of impersonating the Complainant (or a company affiliated to the Complainant) in order to conduct that phishing scam where the intention is likely to obtain the sensitive personal information of a third party or to obtain services without making payment.

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 <accentureprojects.com> be transferred to the Complainant.

/Catherine Slater/

Catherine Slater

Sole Panelist

Date: June 26, 2024