

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. peter uk, broadbandone.com
Case No. D2024-2197

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 peter uk, broadbandone.com, United States.

2. The Domain Name and Registrar

The disputed domain name <accenturres.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 29, 2024. On May 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 30, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 31, 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 June 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 June 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 26, 2024.

The Center appointed Gary Saposnik as the sole panelist in this matter on July 1, 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, with a registered business address in Ireland. The Complainant has offices and operations in more than 200 cities in 50 countries.

The Complainant began using the ACCENTURE mark in connection with various services, including management consulting, technology services and outsourcing services, on January 1, 2001. The Complainant has obtained, among others, the following United States registrations of the ACCENTURE mark:

- ACCENTURE, United States Registration No. 3091811, registered May 16, 2006, for various goods and services in Classes 9, 16, 35, 36, 37, 41, and 42;
- ACCENTURE & Design, United States Registration No. 2665373, registered December 24, 2002, for various services in Classes 35, 36, 41, and 42;
- ACCENTURE & Design, United States Registration No. 2884125, registered September 14, 2004, for various goods in Classes 18, 25, and 28.

In addition, the Complainant has registrations for the ACCENTURE mark and ACCENTURE & Design mark in more than 140 countries, for a variety of products and services.

The Complainant is the registrant since August 30, 2000 of its corporate website at the domain name <accenture.com>, where Internet users can find detailed information about its management consulting, technology services, outsourcing, and other services offered by its global offices.

The Complainant has extensively advertised its services and products in various global media, spending significant millions of United States dollars, with evidence provided from 2009 through 2022.

The ACCENTURE brand has also been recognized as a leading brand since 2002, with a ranking of 30th in 2023 on Intebbrand's Best Global Brands Report, as well as recognition on other leading brand rankings. The Complainant has also been listed in the Fortune Global 500 rankings for the past 22 years.

The disputed domain name, <accenturres.com> was registered by the Respondent on April 29, 2024. The registration details show that the Respondent is located in Florida, United States. Although the disputed domain name resolves to a webpage indicating that the resolving site cannot be reached, the Complainant alleges that the disputed domain name is being used in relation to at least three different email addresses that impersonate employees of the Complainant, to perpetuate a financial fraud/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 marks, in both sight and sound. The disputed domain name contains the Complainant's entire ACCENTURE trademark, but with misspellings, by adding an extra "r" and adding an erroneous letter "s" to

the end. The ACCENTURE mark is distinctive, famous, and well-known globally, and it was first registered in the United States nearly 22 years before the Respondent registered the disputed domain name. The ACCENTURE mark is a coined term, and is not a descriptive or generic term. The addition of the extra letters to the Complainant's mark constitutes typosquatting. It is insufficient to distinguish the disputed domain name from the Complainant's trademark, and is therefore confusingly similar to the Complainant's ACCENTURE trademark. As such, Internet users are highly likely to be confused as to whether an association exists bet the disputed domain name and the Complainant.

The Complainant contends that the Respondent: (i) has not made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services; (ii) is not commonly known by the disputed domain name; and (iii) 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 trademarks of another.

The Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's ACCENTURE Marks or any domain name incorporating the ACCENTURE Marks. The Respondent is not using the disputed domain name at the subject website, and the disputed domain name resolves to a page displaying an Internet browser error message stating "[t]his site can't be reached." Such passive holding is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use.

Although the Respondent is not using the disputed domain name to host a legitimate website, the Respondent has used the disputed domain name in relation to three email addresses to impersonate employees of the Complainant to perpetuate a financial fraud/phishing scam. This includes email messages sent to attempt to collect payment on a fake invoice, and bearing the ACCENTURE logo. Such use of the disputed domain name does not demonstrate any legitimate noncommercial or fair use of the disputed domain name by the Respondent. The Respondent has chosen the disputed domain name to trade off the reputation and goodwill associated with the Complainant's ACCENTURE Marks, to cause confusion amongst Internet users and third parties, in order to perpetuate a financial fraud/phishing scam, and to benefit from misdirected Internet traffic.

The Complainant alleges that the Respondent had constructive notice that the ACCENTURE mark was a registered trademark in the United States and many other jurisdictions worldwide. Along with the Complainant's worldwide reputation and its ACCENTURE mark presence on the Internet, the Respondent was aware of or should have been aware of the ACCENTURE marks long prior to registering the disputed domain name.

The Respondent has not used the disputed domain name for any legitimate purpose. In addition to its passive holding of the disputed domain name, the Respondent's use of the disputed domain name in corresponding email addresses to pose as the Complainant and to perpetuate a financial fraud/phishing scam constitutes bad faith. The Respondent registered and is using the disputed domain name in bad faith 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 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.

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 mark is recognizable 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. The typosquatting by the Respondent, with addition of an extra "r" as well as adding an "s" to the end of the recognizable ACCENTURE mark, does not negate the confusing similarity to the Complainant's mark. [WIPO Overview 3.0](#), section 1.9

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.

The Respondent is using the disputed domain name to impersonate employees of the Complainant in emails in order to perpetuate a fraudulent financial phishing scam.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: fraudulent financial phishing and 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

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 Respondent registered the disputed domain name many years after the Complainant's registration of its coined ACCENTURE mark, and after the ACCENTURE mark had achieved well-known status, including in the United States where the Respondent is located.

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.

Previous Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Additionally, the use of a domain name for per se illegitimate activity, such as the phishing that the Respondent used the disputed domain name for, can never confer rights or legitimate interests on a respondent, with such behavior manifestly considered evidence of bad faith. [WIPO Overview 3.0](#), section 3.1.4

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: phishing and impersonation/passing off in emails of the Complainant and its employees for financial fraud, 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.

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 <accenturres.com> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: July 15, 2024