

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Sunil Jobs, suniljobs
Case No. D2024-3779

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 Sunil Jobs, suniljobs, India.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 17, 2024. On September 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 17, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 20, 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 September 21, 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 September 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 14, 2024.

The Center appointed Stefan Bojovic as the sole panelist in this matter on October 17, 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 the field of strategy, consulting, digital, technology, and operations under the name ACCENTURE. The Complainant has offices and operations in more than 200 cities in 49 countries.

The Complainant is the owner of number of registered trademarks throughout the world for its ACCENTURE trademark, including the following:

- United States trademark registration No. 3091811 for ACCENTURE (word), registered on May 16, 2006;
- United States trademark registration No. 2665373 for ACCENTURE (word/device), registered on December 24, 2002; and
- United States trademark registration No. 7266256 for ACCENTURE (word), registered on January 9, 2024.

The Complainant also owns domain names that include its ACCENTURE trademark, such as the domain name <accenture.com>, registered on August 29, 2000.

The disputed domain name was registered on November 9, 2021, and at the time of filing of the Complaint, it resolved to a parking page with sponsored links (Pay-Per-Click page or PPC page). At the time of the Decision, the disputed domain name resolves to a parking page.

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 its well-known ACCENTURE trademark. Further, the Complainant holds that the addition of the words "India" and "campus" and the generic Top-Level-Domain ("gTLD") ".com" does not prevent a finding of confusing similarity.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's ACCENTURE trademark or any domain name incorporating the ACCENTURE trademark. The Respondent is not commonly known by the disputed domain name, nor was known as such prior to the date of registration of the disputed domain name. The Respondent's use of the disputed domain name for a PPC page does not qualify as a bona fide offering of goods and services. According to the Complainant and based on the evidence obtained by the Complainant, the Respondent has used the email address on the disputed domain name which mimics the Complainant's official recruiting email address in India, to fraudulently pose as a recruiter for Accenture India.

With reference to the circumstances evidencing bad faith, the Complainant states that its ACCENTURE trademark has worldwide reputation and the ubiquitous presence and that the Respondent was or should have been aware of such trademark at the time of registration of the disputed domain name. Further, the Respondent's use of the disputed domain name with a corresponding email address to pose as the

Complainant and to perpetuate an employment scam constitutes bad faith pursuant to Policy. Additionally, the Respondent's use of the disputed domain name to redirect Internet users to commercial websites through various sponsored click-through links constitutes bad faith and indicates that the Respondent registered and is using the disputed domain name with the intent to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's ACCENTURE trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- (i) that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed 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.

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 entirety of the Complainant's trademark 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, "india" and "campus") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that ".com", as a gTLD, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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 Panel notes that there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s ACCENTURE trademark. There appears to be no element from which the Panel could infer the Respondent’s rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel also finds that the structure of the disputed domain name, which contains the Complainant’s ACCENTURE trademark in combination with words “india” and “campus” carries a risk of implied affiliation, especially in the light of the fact that the structure of the disputed domain name is similar to the structure of official email address used by the Complainant for recruiting purposes in India. [WIPO Overview 3.0](#), section 2.5.1

Furthermore, based on the undisputed evidence provided by the Complainant, the disputed domain name was used for the email address which mimics the Complainant’s official recruiting email address in order for the Respondent to present himself as a recruiter for the Complainant’s affiliate company in India. Such behavior of the Respondent represents a type of Internet fraud and previous panels have consistently held that use of a disputed domain name for such purposes cannot be considered as a bona fide offering of goods or services nor as a legitimate noncommercial or fair use of the disputed domain name. In connection with the above, it should be noted that panels have held that the use of a domain name for illegal activity (such as for sending phishing emails and impersonation of the Complainant as in this case) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Having in mind the above, 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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant and its ACCENTURE trademark, especially having in mind that ACCENTURE is a coined word without any particular meaning. It is, therefore, highly unlikely that the Respondent decided to register a domain name containing this trademark in its entirety without having the Complainant in mind when doing so. It should be also borne in mind that that the first registration and use of ACCENTURE trademark predates the registration

of the disputed domain name for almost 20 years, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain name. Also, the choice of additional words "india" and "campus" that mimic the structure of the official email address used by the Complainant for recruitment purposes in India, further indicates the Respondent's awareness of the Complainant's ACCENTURE trademark. Finally, the fact that the Respondent has used the disputed domain name for the emails through which he has impersonated the Complainant leaves no room for doubt on the Respondent's knowledge of the Complainant and its ACCENTURE trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As indicated above, based on the undisputed evidence provided by the Complainant, the disputed domain name was used for an email address which mimics the Complainant's official recruiting email address in India. The Respondent appears to have used such email address in order to present himself as a recruiter for the Complainant's affiliate company in India. Such fraudulent behavior manifestly indicates bad faith on the Respondent's side. In that sense, panels have held that the use of a domain name for illegal activity (such as phishing and impersonation) 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.

Therefore, the Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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 <indiacampusaccenture.com> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: October 31, 2024