

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Foster William
Case No. D2023-5358

1. The Parties

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

The Respondent is Foster William, Albania.

2. The Domain Name and Registrar

The disputed domain name <accentureh.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 27, 2023. On December 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 28, 2023, 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 / Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 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 January 5, 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 January 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 29, 2024.

The Center appointed Erica Aoki as the sole panelist in this matter on February 8, 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 Accenture Global Services Limited, along with its affiliates and predecessor Accenture Global Services GmbH (collectively “Complainant”), are an international business that provide a broad range of services and solutions in strategy, consulting, digital, technology and operations under the name ACCENTURE and is the owner of the ACCENTURE trademark and company name, and marks fully incorporating the ACCENTURE trademark (collectively the “ACCENTURE Marks”).

Since January 2001, the Complainant has extensively used and continues to use the mark ACCENTURE in connection with various services and specialties, including management consulting and business process services, which comprises various aspects of business operations such as supply chain and logistics services, as well as technology services and outsourcing services, to name only a few.

On October 6, 2000, the Complainant filed a United States trademark application (Application Serial No. 76,154,620) for the mark ACCENTURE, covering computer software, pamphlets, business consulting services, financial services, computer installation services, educational services, and computer consulting services, among many other goods and services. This application matured to registration (Reg. No. 3,091,811) on May 16, 2006. The Complainant also owns United States trademark Reg. No. 2,665,373, registered on December 24, 2002, and European Union trademark Reg. 001958370, registered on August 14, 2002.

The Complainant owns registrations for the ACCENTURE mark and ACCENTURE & Design mark in more than 140 countries. Complainant owns more than 1,000 registrations for the marks ACCENTURE, ACCENTURE & Design and many other marks incorporating the ACCENTURE brand for a variety of products and services including, but not limited to, its management consulting, technology services and outsourcing services.

The disputed domain name was registered on December 6, 2023, nearly 21 years after Complainant first registered its ACCENTURE mark in the United States and the European Union.

The disputed domain name resolves to a page displaying a greeting or other text in the Polish language, and clicking through the links on the home page takes visitors to an apparent login or registration page, as well as to a “Company profile” page purporting to be “Accenture Inc.” This page discusses the “services” that the Respondent purports to provide when a user registers with the website. The “Company profile” page asserts that “Accenture Inc.” is “...focused on providing website services.” Screenshots from the webpages at the disputed domain name shown in both Polish and English are provided by the Complainant.

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 Complainant enjoys strong worldwide rights in, and recognition of, its ACCENTURE Marks. The Complainant has used the ACCENTURE trademark in commerce since as early as 2001. The first United States trademark registration for the ACCENTURE mark dates back to 2002. Furthermore, the Complainant has developed substantial goodwill in its ACCENTURE name and its ACCENTURE Marks, as well as its official domain name, <accenture.com>.

The ACCENTURE mark has been recognized in Interbrand's Best Global Brands Report since 2002, when it ranked 53rd. The ACCENTURE mark ranked 31st in the 2022 Interbrand's Best Global Brands Report.

The Complainant has been recognized and awarded for its business services and brand recognition. For the past 22 years, it has been listed in the Fortune Global 500, which ranks the world's largest companies. In addition, the Complainant has appeared in various other top rankings by Fortune, including No. 2 on Fortune's Most Powerful Women (2022) – a list that has included the Complainant's global Chief Executive Officer for seven consecutive years.

The Complainant also has collaborated with various groups on cultural initiatives across the world. For example, it collaborated with the Louvre Museum to develop new technological programs designed to support the Louvre's initiatives to spread culture, enhance its image and reach new segments of the public. In 2022, the Complainant was a key presenter and participant at Cannes Lions Festival of Creativity to display and celebrate the Complainant's work, thought leadership, and clients under the new leadership of Accenture Song CEO and Creative Chairman David Droga. As a result of the extensive use and promotion, the ACCENTURE trademarks have become distinctive and famous globally.

The Complainant contends that the disputed domain name is confusingly similar to its trademarks in that it only differs by the addition of the letter "H" following the ACCENTURE trademark.

B. Respondent

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

6. Discussion and Findings

The complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the complainant has rights; and
- (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 disputed domain name only differs from the Complainant's ACCENTURE trademark by the addition of the letter "H" and is therefore confusingly similar to the Complainant's trademark. 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 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 disputed domain name resolves to a page displaying a greeting or other text in the Polish language, and clicking through the links on the home page takes visitors to an apparent login or registration page, as well as to a “Company profile” page purporting to be “Accenture Inc.” This page discusses the “services” that the Respondent purports to provide when a user registers with the website. The “Company profile” page asserts that “Accenture Inc.” is “...focused on providing website services”.

In addition, information obtained from the Complainant’s legal department from an individual who was targeted by the Respondent suggests that the disputed domain name is actively being used by the Respondent for fraud and phishing attempts. Specifically, information provided to the Complainant’s legal department suggests that people looking for jobs are approached via chat or text platforms and offered money as a percentage of products that they review, after they set up an account and make some form of initial registration payment.

Use of a disputed domain name in connection with an employment/phishing scam is clearly commercial and not a fair use and does not establish rights or legitimate interests in the disputed domain name pursuant to paragraph 4(c)(iii) of the Policy.

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

C. Registered and Used in Bad Faith

The Complainant’s ACCENTURE Marks are long-established and well-known, as outlined. The Complainant asserts that it is inconceivable that the Respondent did not have the Complainant firmly in mind when it registered the disputed domain name.

The Respondent has registered the disputed domain name to make a connection with the Complainant through the disputed domain name. The disputed domain name has been chosen to deliberately incorporate the entirety of the Complainant’s ACCENTURE mark.

Respondent has chosen the disputed domain name to trade off the reputation and goodwill associated with the ACCENTURE Marks and to cause confusion amongst Internet users and third parties in order to perpetuate a financial fraud/phishing scam.

The Panel finds that the Respondent registered the disputed domain name in bad faith.

Further, the disputed domain name was used in connection with an employment/phishing scam. Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

At the point of submission of this Decision, the website associated with the disputed domain name is “passively held”. The Complainant asserts that such passive holding of the disputed domain name constitutes bad faith.

Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of 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 <accentureh.com> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: February 22, 2024