

## **ADMINISTRATIVE PANEL DECISION**

Accenture Global Services Limited v. Brandon Lincoln, MixPro  
Case No. D2024-0849

### **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 Brandon Lincoln, MixPro, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <jobs-accenture.online> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 27, 2024. On February 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 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 February 28, 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 March 2, 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 March 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 27, 2024.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 4, 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 management consulting firm operating in 50 countries. It is the owner, amongst others, of the following trademark registrations (Annex D to the Amended Complaint):

- United States Trademark Registration No. 2,665,373 for the word and device mark ACCENTURE >, registered on December 24, 2002, successively renewed, in classes 35, 36, 41 and 42;
- United States Trademark Registration No. 3,091,811 for the word mark ACCENTURE, registered on May 16, 2006, successively renewed, in classes 9, 16, 35, 36, 37, 41 and 42; and
- United States Trademark Registration No. 7,266,256 for the word mark ACCENTURE, registered on January 9, 2024, in classes 9, 35, 36, 37, 41 and 42.

The disputed domain name was registered on February 13, 2024. At the time of filing the Complaint and presently, when attempting to access the disputed domain name, Internet browsers display alerts due to distribution of malware or other security risks.

#### **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 asserts to have started using its ACCENTURE trademark on January 2001 in connection with management consulting, technology services, and outsourcing services, currently operating in more than 200 cities in 50 countries, and holding the trademark rights in more than 140 countries.

The Complainant further asserts to have extensively used and promoted its ACCENTURE trademark which has become distinctive and globally famous, enjoying notoriety and having acquired substantial goodwill, as can be illustrated by its rankings in Interbrand's *Best Global Brands Report* since 2002, Kantar Millward Brown's *BrandZ – Top 100 Brand Rankings* since 2006, and Fortune Global 500's *The World's Most Valuable Brands*.

In addition, the Complainant claims to support numerous social projects worldwide as well as to sponsor sports events such as the World Golf Championships and cultural activities such as a collaboration with the Louvre Museum to develop new technological programs to spread culture and reach new segments of the public.

According to the Complainant, the disputed domain name incorporates its well-known ACCENTURE trademark in its entirety with the addition of the descriptive term "jobs" and a hyphen which in this case appears to refer to the Complainant's own career services or job openings and does not preclude a finding of confusing similarity thereof.

As to the absence of rights or legitimate interests, the Complainant argues that:

- i. the Complainant's trademark is not a generic or descriptive term in which the Respondent might have an interest;
- ii. the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's trademark or any domain name relating to it;
- iii. the Respondent is not commonly known by the disputed domain name, nor was it known as such prior to the registration date of the disputed domain name; and
- iv. the Respondent is not using the disputed domain name for any valid purpose, rather using it in connection with malicious purposes, what does not characterize a bona fide use of the disputed domain name.

In what it relates to the bad faith registration of the disputed domain name, the Complainant asserts that the Respondent had notice of the ACCENTURE trademark, duly registered and well-known in many jurisdictions worldwide, being it unlikely that the Respondent was not aware of it when registering the disputed domain name. Furthermore, the Complainant states that the disputed domain name is being used to redirect Internet users to malicious websites for the distribution of malware or other security risks what characterizes evidence of bad faith use and registration of a domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present so as to have the disputed domain name transferred, according to the Policy.

### **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 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 such as "jobs" and a hyphen 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.

Panels have held that the use of a domain name for illegal activity (phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, 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**

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.

Panels have held that the use of a domain name for illegal activity (phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of 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.

Other factors that corroborate with the Panel’s finding of bad faith of the Respondent are:

- a. the reputation and distinctiveness of the Complainant and its ACCENTURE trademark;
- b. the absence of a reply by the Respondent;
- c. the implausibility of any good faith use to which the disputed domain name may be put;

- d. the Respondent's choice to retain a privacy protection service to conceal its true identity; and
- e. the indication of what appears to be false or incomplete contact details, considering that the Written notice could not be delivered by courier service to the address indicated in the Whois.

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 <jobs-accenture.online> be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: April 18, 2024