

## **ADMINISTRATIVE PANEL DECISION**

Accenture Global Services Limited v. kancham Ramprasad, rpwebsites and apps private limited

Case No. D2024-0677

### **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 kancham Ramprasad, rpwebsites and apps private limited, India.

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

The disputed domain name <accentureindia.site> 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 February 14, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 15, 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 Protect, LLC, PrivacyProtect.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 15, 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 February 17, 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 February 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 12, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on March 15, 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 began using the ACCENTURE trademark on January 1, 2001, covering a broad range of services including management consulting, technology services, and outsourcing. The mark has been extensively and continuously used in connection with various services and specialties such as supply chain, logistics, and business process services, with a wide scope of application.

The Complainant maintains trademark registrations for the ACCENTURE, ACCENTURE & Design marks, among others, encompassing a wide array of products and services in over 140 countries. Noteworthy among these are the following United States trademarks:

-Mark: ACCENTURE

- Registration Number: 3,091,811
- Registration Date: May 16, 2006

-Mark: ACCENTURE

- Registration Number: 7,266,256
- Registration Date: January 9, 2024

-Mark: ACCENTURE

- Registration Number: 3,340,780
- Registration Date: November 20, 2007

The Complainant has submitted representative samples of certificates of registration, including those relevant to the disputed domain name in India.

The Complainant has leveraged the Internet to promote and disseminate information about its ACCENTURE trademarks offerings, particularly through its ownership and operation of the <accenture.com> domain name, registered on August 29, 2000. The ACCENTURE trademark has been vigorously advertised across various media, as evidenced by significant annual advertising expenditures and considerable press coverage.

This extensive promotion has contributed to the ACCENTURE mark's recognition as a global brand, as evidenced by its inclusion in:

- Interbrand's Best Global Brands Report
- Kantar Millward Brown's BrandZ – Top 100 Brand Rankings
- Brand Finance's Global 500 brand rankings

Over the years, the Complainant has garnered numerous accolades, such as:

- Being listed among the World's Most Ethical Companies, Fortune 100 Best Companies to Work and Fortune World's Most Admired Companies
- Ranking No. 20 on Corporate Knights Global 100

The disputed domain name was registered on January 17, 2024. According to the Complainant's submissions, the Respondent has used the disputed domain name for a website that is a near-identical copy of the Complainant's official Indian website, "www.accenture.com/in-en", albeit with non-functional links (as reported by the Complainant). The disputed domain name is currently not associated with an active webpage (as of the current use).

The registrant of the disputed domain name and the Respondent in these proceedings is identified as kancham Ramprasad, rpwebsites and apps private limited.

## **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-established ACCENTURE trademark, primarily due to the reproduction of the complete ACCENTURE mark with the term "India." The inclusion of a generic Top-Level Domain ("gTLD"), such as ".site", in the analysis of confusing similarity should be considered irrelevant.

The Complainant notes that the disputed domain name was registered on January 17, 2024, significantly after the ACCENTURE trademark had already been registered in the United States and India.

The Complainant posits that the ACCENTURE trademark is globally recognized and has acquired secondary meaning due to its extensive, continuous use, thereby negating any potential claim the Respondent might have to the mark.

Moreover, the Complainant affirms that there is no affiliation, license, or authorization for the Respondent to use the ACCENTURE trademark or register any domain names incorporating it. The Complainant further contends that the Respondent is not commonly known by the disputed domain name.

The Complainant highlights that the Respondent's use of the disputed domain name to replicate the Complainant's official website for India, albeit with non-functional links, indicates an intent to deceive for financial gain under false pretenses. This action is devoid of any legitimate noncommercial or fair use and is not associated with the offering of any genuine goods or services.

Given the Complainant's extensive global recognition and the widespread online presence of the ACCENTURE mark, the Complainant argues that it is reasonable to infer that the Respondent was aware, or should have been aware, of the trademark before registering the disputed domain name. The Complainant asserts that the use of the disputed domain name to misdirect internet users, suggesting an association or competition with the Complainant in India, deliberately capitalizes on the Complainant's reputation, constituting an act of "passing off" and, thus, bad faith.

### **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.

Although the addition of other terms here, “India” 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.

In accordance with established principles, a gTLD is considered a standard registration requirement and, consequently, is typically disregarded in the analysis of confusing similarity under the initial element of the confusing similarity test. Thus, the disputed domain name's gTLD “.site” does not alter the determination that the disputed domain name is confusingly similar to the trademark, as delineated in the [WIPO Overview 3.0](#), section 1.11.

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 Respondent is neither affiliated with nor has been licensed or authorised to utilise the Complainant's ACCENTURE mark, or any domain name incorporating these marks.

Notably, the Whois information suggests that the Respondent is not commonly known by the disputed domain name.

Furthermore, available records show that the Respondent has been employing the disputed domain name to closely imitate the Complainant's, with the website linked to the disputed domain name being a near identical replication of the Complainant's official website for India.

The deliberate selection of a domain name by the Respondent, which is confusingly similar to the Complainant's ACCENTURE trademark, and the apparent attempts to appear associated or affiliated with the Complainant in India, firmly substantiates the lack of rights or legitimate interests held by the Respondent in the disputed domain name.

The Respondent's actions clearly constitute “passing off”, as it has sought to present itself as the Complainant in India through imitation.

Panels have held that the use of a domain name for illegal activity, such as 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.

The Panel finds that the Respondent was likely aware of the Complainant's trademarks and domain name for India, considering the disputed domain name's website has a striking resemblance to the Complainant's official website in design, color scheme, and imagery. Such deliberate imitation is indicative that the Respondent has targeted the Complainant and thus, of the Respondent's bad faith in registering the disputed domain name.

The Complainant's extensive promotion of its trademark and worldwide notoriety strengthens the inference that the disputed domain name was registered with an intent to leverage the Complainant's established reputation.

Additionally, the Respondent's operation of the disputed domain name is considered an attempt to create confusion among Internet users by masquerading as the Complainant in India. The website in question, with its conspicuous display of the Complainant's trademark and resemblance to the official site, clearly constitutes an act of "passing off" and underscores the Respondent's 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, such as 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.

Lastly, the Panel notes that the Respondent has failed to come forward with any arguments or explanation for the registration and use of the disputed domain name, having also employed a privacy service to conceal its contact details from the publicly available WhoIs. This, along with the overall circumstances above described, further support a finding that the disputed domain name was registered and used in bad faith.

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 <accentureindia.site> be transferred to the Complainant.

*/Andrea Cappai/*

**Andrea Cappai**

Sole Panelist

Date: March 28, 2024