

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Candra Emmons
Case No. D2022-2696

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 Candra Emmons, United States.

2. The Domain Name and Registrar

The disputed domain name <accen-ture.net> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 23, 2022. On July 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 26, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 August 10, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 30, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 5, 2022.

The Center appointed Elise Dufour as the sole panelist in this matter on September 15, 2022. 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 with offices and operations in more than 200 cities in 51 countries. Since 2001, the Complainant has continuously operated under the name "accenture" and extensively used the mark ACCENTURE in connection with its products and services.

The Complainant is owner of more than 1,000 ACCENTURE trademark registrations around the world, including the United States registrations:

- ACCENTURE, Registration No. 3,091,811, registered May 16, 2006, International Classes 9, 16, 35, 36, 37, 41, 42;
- ACCENTURE, Registration No. 2,665,373, registered December 24, 2002, International Classes 9, 16, 35, 36, 37, 41 and 42;
- ACCENTURE, Registration No. 3,340,780 registered November 20, 2007, International Classes 6, 8, 9, 14, 16, 18, 20, 21, 24 and 28.

Additionally, the Complainant is the owner of the domain name <accenture.com> registered on August 29, 2000, which addresses its main website, offering the Complainant's services around the world.

The disputed domain name <accen-ture.net> was registered on May 1, 2022, and does not resolve to an active website. The disputed domain name was used to send fraudulent emails.

5. Parties' Contentions

A. Complainant

The Complainant contends that (i) the disputed domain name is confusingly similar to the Complainant's trademarks; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

(i) The Complainant claims that the disputed domain name is confusingly similar to its distinctive and famous trademarks and domain names. Indeed, the disputed domain name incorporates entirely the Complainant's coined term ACCENTURE, to which a hyphen has been added, which does not avoid a finding of confusing similarity.

(ii) The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name: the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's ACCENTURE trademarks or any domain names incorporating the ACCENTURE trademarks. The Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial fair use of the disputed domain name as it is not used.

(iii) Due to worldwide reputation and the ubiquitous presence of the ACCENTURE on the Internet, the Complainant considers that the Respondent could not have ignored the existence of the Complainant's trademark at the time the disputed domain name was registered. In addition, for the Complainant, the Respondent's use of the disputed domain name to create corresponding email addresses and to use such email addresses to pose as the Complainant and to perpetrate a financial fraud/phishing scam constitutes bad faith.

B. Respondent

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

6. Discussion and Findings

In the absence of any Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- 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 was registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Identical or Confusingly Similar

The Panel finds that disputed domain name is confusingly similar to the Complainant's registered distinctive trademark ACCENTURE since it entirely contains this trademark and only adds a hyphen.

It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain name, the disputed domain name will normally be considered confusingly similar to the Complainant's trademark (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

Such happens to be the case here. The addition of a hyphen between "accen" on the one hand and "ture" on the other hand does not prevent a finding of confusing similarity

Finally, it has also long been held that a generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and as such is disregarded under the confusing similarity test, as it does in the present case.

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The burden of proof is on the Complainant to demonstrate a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. Once the Complainant has made out a *prima facie* case, the burden of production then shifts to the Respondent, which has then to demonstrate rights or legitimate interests in the disputed domain name.

On the basis of the submitted evidence, the Panel considers that the Complainant has successfully established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name: the Respondent is not commonly known under the disputed domain name, nor owns any registered rights on the disputed domain name or has been authorized by the Complainant to use the prior trademarks in any way.

The inactive holding of a disputed domain name in these circumstances is not a legitimate noncommercial or fair use within paragraph 4(c)(iii) of the Policy. There is no contrary evidence from the Respondent showing that it is making use of or demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services within paragraph 4(c)(i) of the Policy.

Moreover, the Complainant has adduced evidence to show that the Respondent has used the disputed domain name to create corresponding email addresses and to use such email addresses to pose as the

Complainant and to perpetrate a financial fraud/phishing scam.

Given such evidence and the absence of contrary evidence from the Respondent, the Panel considers that it is not possible for the Respondent to establish that it has rights or legitimate interests in the disputed domain name.

The Panel therefore finds, noting the Complainant's *prima facie* arguments and the absence of a Response, that the Respondent has no rights or legitimate interests in the disputed domain name within paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Given the long use and worldwide reputation of the Complainant's ACCENTURE trademarks, the Panel considers that the Respondent knew or should have known of said trademarks at the time of the registration of the disputed domain name. Such knowledge is sufficient to establish that the disputed domain name was registered in bad faith.

Regarding the use of the disputed domain name, it is well established that bad faith is materialized if by using the disputed domain name the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliations, or endorsement of its website or location or of a product or service on its website or location.

As submitted by the Complainant, there was no reason for the Respondent to have registered the disputed domain name and to have used it for fraudulent purposes other than to trade off the reputation and goodwill of the Complainant's marks.

In these circumstances the Panel finds that the disputed domain name was registered and used in bad faith within paragraph 4(a)(iii) 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, <accen-ture.net>, be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: September 29, 2022