

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. SKIN CARE Derma Clinic
Case No. D2022-3183

1. The Parties

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

The Respondent is SKIN CARE Derma Clinic, India.

2. The Domain Name and Registrar

The disputed domain name <rewardsaccenture.org> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 28, 2022. On August 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 30, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 31, 2022, 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 3, 2022.

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 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 27, 2022. The Respondent’s informal communications were received on September 9, 12, and 16, 2022 respectively. The Center notified the Commencement of Panel Appointment Process to the Parties on September 28, 2022.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on September 30, 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 ACCENTURE trademark is used by the Complainant in connection with a variety of services such as management consulting, technology and outsourcing. The Complainant owns a number of registrations for the trademark ACCENTURE such as United States Trademark Registration No. 3,091,811 registered on May 16, 2006. The trademark ACCENTURE has been recognized as a leading global brand.

The disputed domain name was registered on July 27, 2022 and resolves to an empty page.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is nearly identical or confusingly similar to the Complainant's trademark ACCENTURE. The addition of the descriptive term "rewards" does not eliminate confusing similarity and the trademark of the Complainant remains recognizable. The generic Top-Level Domain ("gTLD") ".org" has no significance.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainant to use its trademark nor is it licensed by the Complainant. The Complainant submits that the Respondent is not known by the disputed domain name. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name resolves to a webpage showing an error message. This constitutes inactive holding.

Hence, there is no use or preparation to use the disputed domain name in connection with a *bona fide* offering of goods or services. The Respondent is trying to trade off the reputation and goodwill of the Complainant's trademark to cause confusion in order to benefit from misdirected Internet traffic.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademark has worldwide reputation and ubiquitous presence and the Respondent must have been aware of it. Passive holding as is the case here may indicate bad faith. In the current case, the Complainant's trademark is distinctive and well-known and the Respondent's identity was partially redacted. The Respondent must have registered the disputed domain name in order to trade off the reputation and goodwill of the Complainant's trademark.

B. Respondent

On September 9, 2022, the Respondent sent an email with his personal reasons for registering the disputed domain name. He apologized and asked for the domain name to be transferred to the Complainant. In an email of September 12, 2022, the Respondent rejected the settlement suggestion because he is of the view that he has done nothing wrong. On September 16, the Respondent stated "What kind of settlement do I need to do ? Explain me please. I will settle this issue once and for all".

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for the trademark ACCENTURE. The Panel is satisfied that the Complainant has established its ownership of the trademark ACCENTURE. The disputed domain name comprises the Complainant's trademark ACCENTURE in its entirety. The term "rewards" does not prevent the fact that the disputed domain name is confusingly similar to the Complainant's trademark.

The gTLD, ".org" should generally be ignored when assessing confusing similarity as established by prior UDRP decisions.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

A complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts that the Respondent is not authorized by the Complainant to use its trademark. Therefore, the Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

In his email communications the Respondent did not allege having any rights or legitimate interests in the disputed domain name.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered or Used in Bad Faith

The Respondent must have been aware of the Complainant's trademark as the Complainant's trademark is a leading brand worldwide and had been registered for more than 15 years when the disputed domain name was created. It has been found by prior UDRP panels that the mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The disputed domain name resolves to an inactive website. Prior UDRP panels have found that passive holding does not prevent a finding of confusing similarity if the totality of circumstances support an inference of bad faith. See section 3.3 of the [WIPO Overview 3.0](#). Noting the Respondent's failure to provide any good-faith explanation for his registration and use of the disputed domain name, the Respondent's agreement to transfer the disputed domain name and latter rejection of a settlement, and more importantly the absence of a plausible use of the disputed domain name that would be legitimate (*Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#)) the Panel finds that the current passive holding of the disputed domain name does not prevent the Panel's bad faith finding.

Accordingly, the Panel finds that the Complainant has satisfied 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, <rewardsaccenture.org> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: October 14, 2022