

ADMINISTRATIVE PANEL DECISION

Stichting BDO v. kola Agunla
Case No. D2022-3729

1. The Parties

The Complainant is Stichting BDO, Netherlands, represented by McDermott Will & Emery LLP, United States of America (“United States” or “USA”).

The Respondent is kola Agunla, United States.

2. The Domain Name and Registrar

The disputed domain name <accountsreceivables-bdo.com> (the “Domain Name”) is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 6, 2022. On October 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 7, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint (Contact Privacy Inc. Customer 7151571251). The Center sent an email communication to the Complainant on October 13, 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 October 17, 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 October 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 7, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 8, 2022.

The Center appointed Dawn Osborne as the sole panelist in this matter on November 21, 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 network of financial services firms providing services in the fields of accounting, taxation, consulting and advice, and other professional services. The BDO Network currently has over 88,000 global employees in 1,617 offices in 167 countries around the world.

The Complainant is the owner of the mark BDO registered, *inter alia*, in the USA as trade mark registration no. 4,854,142 for accounting services since 2015.

The Domain Name registered on September 13, 2022 has been used for a fraudulent email scheme.

5. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarised as follows:

The Complainant is the owner of the mark BDO registered, *inter alia*, in the USA for accounting services since 2015.

The Domain Name registered in 2022 is confusingly similar to the Complainant's trade mark adding only the words "accounts receivables", a hyphen and the generic Top-Level Domain ("gTLD") ".com", none of which prevents such confusing similarity.

The Respondent does not have rights or legitimate interests in the Domain Name, is not commonly known by it, and is not authorised by the Complainant to register nor use the Domain Name.

The Domain Name is being used in relation to a phishing scheme in email messages purporting to be from the Complainant. This is not a *bona fide* offering of goods or a legitimate noncommercial or fair use. It is deceptive bad faith registration and use disrupting the Complainant's business.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Domain Name in this Complaint combines the Complainant's BDO mark (registered, *inter alia*, in the United States for accounting services since 2015), the words "accounts receivables", a hyphen, and the gTLD ".com".

The addition of words and a gTLD does not prevent a finding of confusing similarity between a domain name and a trade mark contained within it. Nor does the addition of a hyphen which is merely punctuation. Accordingly, the addition of the words "accounts receivables", a hyphen, and the gTLD ".com" does not

prevent confusing similarity between the Domain Name and the Complainant's mark which is still recognisable in the Domain Name.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights for the purpose of the Policy.

B. Rights or Legitimate Interests

The Complainant has not authorised the use of its mark. There is no evidence or reason to suggest the Respondent is commonly known by the Domain Name.

The Domain Name has been used in a fraudulent email scheme. This is deceptive and confusing. As such it cannot amount to a *bona fide* offering of goods and services or a legitimate noncommercial or fair use.

As such the Panel finds that the Respondent does not have rights or legitimate interests in the Domain Name and that the Complainant has satisfied the second limb of the Policy.

C. Registered and Used in Bad Faith

Impersonating a complainant by use of the complainant's mark in a fraudulent email scam is disruptive and evinces bad faith registration and use per se in actual knowledge of the Complainant and its business and rights.

As such, the Panel finds that the Complainant has made out its case that the Domain Name was registered and used in bad faith and has satisfied the third limb of the Policy under para 4(b)(iii).

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 Domain Name <accountsreceivables-bdo.com> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: December 5, 2022