

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Milen Radumilo
Case No. DCO2022-0070

1. The Parties

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

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <accenturesupplierportal.com.co> is registered with Communigal Communications Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 31, 2022. On August 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 3, 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 September 12, 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 13, 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 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 11, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 12, 2022.

The Center appointed 陈长杰 Jacob (Changjie) Chen as the sole panelist in this matter on November 4, 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

Since January 1, 2001, the Complainant has begun offering various services under the mark ACCENTURE, including management consulting, business process services, technology services, and outsourcing services. The Complainant claims to have offices and operations in more than 200 cities in 50 countries. Through the continuous use and promotion, the Complainant's ACCENTURE mark has been recognized and listed respectively in Interbrand's "Best Global Brands Report", Kantar Milward Brown's "BrandZ" and Fortune Global 500 as leading global brand and one of the world's largest companies. Moreover, the Complainant has received awards for its business, services provided under the mark ACCENTURE.

The Complainant holds worldwide registrations of ACCENTURE trademark, including No. 2665373, No. 2884125, No. 3091811, and No. 3340780 the United States of America trademark, registered respectively on December 24, 2002, September 14, 2004, May 16, 2006, and November 20, 2007; No. 967046 and No. 967047 Indian trademark, registered on October 31, 2000.

The Complainant owns the domain name <accenture.com>, registered on August 29, 2000, and has been using it to operate its website.

According to the information disclosed by the Registrar, the Respondent is Milen Radumilo, located in Romania.

The disputed domain name was registered on July 23, 2022. According to the evidence provided by the Complainant, the disputed domain name redirected to many third-party websites either showing commercial advertisement or security warning webpage. According to the searches of the Panel, the disputed domain name redirects to many third-party websites displaying commercial advertisement or pornographic content or security warning webpage.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its ACCENTURE trademark. The country code Top Level Domain ("ccTLD") ".com.co" is without legal significance in the weighing of the confusing similarity. The addition of the descriptive terms after its trademark is insufficient to negate the confusing similarity between the disputed domain name and its ACCENTURE trademark.

The Complainant further contends that the Respondent does not have rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant and the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its ACCENTURE trademark. Furthermore, the Respondent is not commonly known by the disputed domain name. In addition, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name and is not making a *bona fide* offering of goods or services. Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Respondent was or should have been aware of the Complainant's ACCENTURE trademark when registering the disputed domain name. Furthermore, the Respondent's use of the disputed domain name is with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's ACCENTURE trademark as to the source, sponsorship, affiliation or endorsement of its website or location.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns rights upon numerous registrations of ACCENTURE trademark, which far predate the registration date of the disputed domain name (July 23, 2022). The Complainant has successfully established its rights to the ACCENTURE trademark.

It is well established that the ccTLD suffix “.com.co” as a standard registration requirement is disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's ACCENTURE trademark.

The disputed domain name <accenturesupplierportal.com.co> incorporates the Complainant's ACCENTURE trademark in its entirety. Previous UDRP decisions have established that if a complainant's trademark is recognizable within a domain name that is sufficient to establish that the domain name is identical or 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](#)”). The addition of terms “supplier” and “portal” after the Complainant's trademark does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's ACCENTURE trademark. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's ACCENTURE trademark.

Accordingly, the Complainant has satisfied the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Complainant has submitted evidence of its exclusive rights to the ACCENTURE trademark. The Respondent is not licensed or permitted by the Complainant to use the ACCENTURE trademark or to register a domain name which will be associated with this trademark.

The Panel is satisfied that the Complainant has established *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name, and the burden of production shifts to the Respondent. However, the Respondent has failed to come forward with any evidence giving rise to rights or legitimate interests in respect of the disputed domain name.

The disputed domain name redirects to different third-party websites displaying commercial advertisement or pornographic content or security warning webpage. Such use of the disputed domain name cannot be deemed as a *bona fide* offering of goods or services, or making a legitimate noncommercial or fair use.

The Panel has weighed all available evidence and materials and finds that the facts do not support a finding of any rights or legitimate interests of the Respondent in respect of the disputed domain name.

Accordingly, the Panel concludes that the Complainant has satisfied the second element under paragraph 4(b) of the Policy.

C. Registered and Used in Bad Faith

The Complainant owns numerous registrations of the ACCENTURE trademark. The disputed domain name was registered far later than the first registration of the Complainant's ACCENTURE trademark. The Complainant submitted its website content, brand ranking information, received awards, and other materials to support its reputation. The Panel accepts that the Complainant and its ACCENTURE trademark have gained a certain degree of reputation and recognition among relevant consumers worldwide. Thus, the Panel views that the Respondent should have awareness of the Complainant and its ACCENTURE trademark. Further, the Complainant's ACCENTURE trademark is not a generic term or dictionary word, and it is of a certain distinctiveness, thus, it is not persuasive that the Respondent registered the disputed domain name by coincidence. According to the Complainant's evidence, the Respondent was twice involved in domain name dispute with the Complainant and was ordered the transfer of the domain name at disputes to the Complainant. See *Accenture Global Services Limited v. Milen Radumilo*, WIPO Case No. [D2016-1219](#); *Accenture Global Services Limited v. Contact Privacy Inc. Customer 0157756560, Contact Privacy Inc., Customer 0157756560 / Milen Radumilo*, WIPO Case No. [D2020-1507](#). Thus, the Panel finds that the Respondent must have had actual knowledge of the Complainant and its ACCENTURE trademark at the time of registering the disputed domain name.

The Respondent uses the disputed domain name redirecting to other third-party websites displaying commercial advertisement or pornographic content or security warning webpage. The Panel holds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or products and services.

In addition, based on the Complainant's evidence, the Respondent was further involved in over 50 domain name disputes where the Respondent used the complainants' trademarks to register the domain names at disputes and the panel decisions ordered the transfer of these domain names at disputes to corresponding complainants. Thus, the Panel finds that the Respondent has constituted the pattern of conduct of registering domain names in order to prevent the owner of the trademark or services mark from reflecting the mark in corresponding domain names. This is further indicative of bad faith.

Given all the circumstances of the case, the Panel concludes that the Respondent was registered and is using the disputed domain name in bad faith.

Accordingly, the Complainant has satisfied the third element under paragraph 4(c) 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 <accenturesupplierportal.com.co> be transferred to the Complainant.

/陈长杰 Jacob (Changjie) Chen/

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Sole Panelist

Date: November 18, 2022