

ADMINISTRATIVE PANEL DECISION

Acciona, S.A. v. Nnn Nam
Case No. D2025-0570

1. The Parties

The Complainant is Acciona, S.A., Spain, represented by PONS IP, Spain.

The Respondent is Nnn Nam, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <accionaa.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2025. On February 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 2025, 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 (Unknown / REDACTED FOR PRIVACY, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed amended Complaints on February 21 and February 25, 2025.

The Center verified that the Complaint together with the amended Complaints 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on March 25, 2025. 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 following facts are undisputed.

The Complainant, founded in 1997, is a global group that develops and manages sustainable infrastructure solutions, especially renewable energy. The Complainant has a yearly turnover of about EUR 17 million and has a presence in over 65 countries on 5 continents developing its business activity under the commitment to contribute to the economic and social development of the communities in which it operates.

The Complainant is the owner of multiple domain names and operates a website at the domain name <acciona.com> providing information on all the Complainant's activity, its purpose, solutions, situation in the world, stock market value, projects in which it is involved and financial information.

The Complainant conducts its operations under the ACCIONA trademark, which has been registered in many jurisdictions around the globe, including but not limited to the Spanish trademark No. 2756473 for the word ACCIONA, applied for on February 28, 1997 and granted for goods and services in classes 1 through 4, 6 – 40 and 42; and the European Union trademark No. 4644704 for the device mark ACCIONA, applied for on September 21, 2005 and registered on December 15, 2006, registered for goods and services in classes 16, 35, 36, 37, 39, 40 and 42; and the International Registration No. 1214367 for the device mark ACCIONA, applied for and registered on March 11, 2014 and granted for goods and services in classes 7, 9, 11 and 35.

The disputed domain name was registered on January 15, 2025. The disputed domain name redirects Internet users to the main website of the Complainant.

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 the following.

The ACCIONA trademark is a well known trademark and has acquired a national and international reputation and renown. This has been recognized by various publications, including the report prepared by Interbrand in which the Complainant entered for the first time in 2021 as one of the 30 most valuable brands in Spain.

The disputed domain name differs from the ACCIONA trademark by adding an additional "a" at the end of the trademark. The disputed domain name is confusingly similar to the Complainant's trademark.

The Respondent was not known prior to the registration of the disputed domain name nor is currently known under "acciona". The Respondent has not registered any trademark or similar exclusive rights to the disputed domain name, there is no indication of legitimate interests in the registration of the disputed domain name.

The disputed domain name has been registered in bad faith. The holder of the disputed domain name has no other purpose than to take advantage of the reputation and knowledge of the ACCIONA trademark. Moreover, the fact that the disputed domain name redirects Internet users to the website of the Complainant demonstrates bad faith. Moreover, there is no preparation for use without attempting to achieve confusion (association) between the domain name and the trademark.

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 entirety of the mark is reproduced 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. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

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.

Given the fact that the disputed domain name redirects to the official main website of the Complainant, there is no plausible reason to support any Respondent's claim to rights or legitimate interests in the disputed domain name.

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.

In the present case, the Panel notes that as the Respondent has chosen to redirect the disputed domain name to the official main website of the Complainant, the said domain name (and the Complainant's trademark) only differs in one letter from the disputed domain name, that it is beyond any doubt that the Respondent has been aware of the Complainant and its trademarks, also given their renown, when registering and using the disputed domain name. The Respondent has thus intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark.

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 <accionaa.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: March 31, 2025