

ADMINISTRATIVE PANEL DECISION

Accenture Global Solutions Limited v. gfgfd hgffd
Case No. D2025-1781

1. The Parties

The Complainant is Accenture Global Solutions Limited, United States of America (“United States”), represented by McDermott Will & Emery LLP, United States.

The Respondent is gfgfd hgffd, Canada.

2. The Domain Name and Registrar

The disputed domain names <droga5.blog>, <droga5.cfd>, <droga5.help>, <droga5.sbs> and <droga5.top> are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2025. On May 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 5, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (“Domain Administrator / See PrivacyGuardian.org”) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 an amended Complaint on May 10, 2025.

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 May 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 6, 2025.

The Center appointed Uwa Ohiku as the sole panelist in this matter on June 12, 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 Complainant is Accenture Global Solutions Limited. The Complainant acquired Droga5, an advertising agency in 2019. Droga5 is headquartered in New York City, and has other offices in Australia, Brazil, China, Japan, New Zealand and the United Kingdom. Founded in 2006, Droga5 provides a broad range of creative strategy, business design, brand experience, integrated campaigns and performance marketing services. It is an award-winning creative agency, taking its first Emmy at the 45th Annual Sports Emmy Awards, and its ad also ranked #1 at the 2024 Super Bowl.

The Complainant owns several DROGA5 trademarks (including the stylized version), which it has registered across several jurisdictions, some of which are:

- United States trademark Registration No. 3,586,467 for DROGA5 which was registered on March 10, 2009, for various services in International Class 42.
- European Union trademark Registration. No. 012405247 for DROGA5 which was registered on May 2, 2014, for various services in International Classes 35, 41 and 42.
- United Kingdom Registration No. UK00912405247 for DROGA5 which was registered on May 2, 2014, for various services in International Classes 35, 41 and 42.
- Japan trademark Registration No. 6479481 for DROGA5 which was registered on December 1, 2021, for various services in International Classes 35, 41 and 42.

These registrations and all others not specified here (including the stylized version), shall be collectively referred to as the DROGA5 Mark.

The DROGA5 mark has been in use in commerce from 2006 when Droga5 was founded.

The Complainant also owns the domain name <droga5.com>, which was registered on November 14, 2005.

The disputed domain names <droga5.blog>, <droga5.cfd>, <droga5.help>, <droga5.sbs> and <droga5.top> were registered on April 11, 2025. At the time of filing the Complaint, the disputed domain names resolved to Pay-Per-Click ("PPC") websites. Currently, some of the disputed domain names resolve to hosted websites promoting other sponsored click-through links and websites, and others resolve to inactive sites with the following messages: "This site can't be reached", "Warning: Suspected Phishing. This website has been reported for potential phishing" and "404. Not found", respectively.

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 names.

Notably, the Complainant contends that the disputed domain names <droga5.blog>, <droga5.cfd>, <droga5.help>, <droga5.sbs> and <droga5.top> are confusingly similar to its trademark DROGA5 in which the Complainant has earlier registered and established rights, as the disputed domain names contain the entirety of the Complainant's Mark.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant is not related to the Respondent and the Complainant has not

authorized, permitted or licensed the Respondent to use DROGA5 Mark in a domain name or in any other way. The Complainant asserts that it has garnered substantial use, reputation and goodwill in the DROGA5 Mark, long before the registration of the disputed domain names and the DROGA5 mark has become distinctive and well-known and recognized globally.

More specifically, the Complainant alleges that the Respondent has not used and/or has no demonstrable intention of using the disputed domain names in any other way than to create a likelihood of confusion with the Complainant's trademark and to disrupt the Complainant's business.

The Complainant further contends that at the time of filing the Complaint, the disputed domain names resolved to a hosted website promoting other sponsored click-through links and websites, which is not a bona fide registration and use of the disputed domain names or a bona fide offering of goods and services as envisaged and does not establish rights or legitimate interest in the disputed domain names.

The Complainant asserts further that the Respondent deliberately chose the disputed domain names that are identical to the Complainant's DROGA5 marks to trade off the reputation and goodwill associated with the Complainant's DROGA5 mark, to cause confusion amongst Internet users and the Complainant's customers and to benefit from misdirected traffic, to potentially use the disputed domain names for malicious purposes and to prevent the Complainant from owning the domain names.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute. "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Even though the Respondent failed to file a Response or to contest the Complainant's assertions, the Panel will review the evidence provided by the Complainant to verify that the three elements of the claims are met. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3

Further, under paragraph 5(f) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and under paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as it considers appropriate.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following three essential elements:

- i) that the domain name registered by the respondent is identical or confusingly similar to the mark in which the complainant has rights; and
- ii) that the respondent has no rights or legitimate interests in respect of the domain name; and
- iii) that the domain name has been registered and is being used in bad faith.

The Panel has authority to decide the dispute, examining the three elements in paragraph 4(a) of the Policy, taking into consideration all the relevant evidence, annexed materials and allegations and carrying out limited independent research under the general powers of the Panel, amongst others, specified in paragraph 10 of the Rules.

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 3.0](#), section 1.7.

The Complainant has shown that it has registered 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 names. Accordingly, the disputed domain names are identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable Top-Level Domains ("TLDs"): ".blog", ".cfd", ".help", ".sbs" and ".top" are viewed as a standard registration requirement and as such are disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 non-exclusive circumstances in which the respondent may demonstrate rights or legitimate interests in a domain name.

- (i) that before any notice of the dispute, the respondent has used or demonstrated preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods and services; or
- (ii) that the respondent as an individual, business or other organization has been commonly known by the domain name, even if the respondent had not acquired any trademark or service mark rights; or
- (iii) that the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the complainant's mark.

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.

The nature of the disputed domain names being identical to the Complainant's trademark carries a high risk of implied affiliation, which cannot confer any rights or legitimate interests. [WIPO Overview 3.0](#), section 2.5.1.

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 names. 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 names such as those enumerated in the Policy or otherwise.

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 four 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

These non-exhaustive circumstances are:

4(b)(i): that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or

4(b)(ii): that respondent registered the domain name in order to prevent the owner of the mark from reflecting it in a corresponding domain name, provided the respondent has engaged in a pattern of such conduct; or

4(b)(iii): that the respondent registered the domain name primarily for the purpose of disrupting the business of a competitor; or

4(b)(iv): that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the mark, as to the source, sponsorship, affiliation, or endorsement of respondent's website or location or of a product on the website or location.

In the present case, the Panel notes that the Respondent's actions satisfy the requirements of paragraph 4(b)(iv) of the Policy.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 names <droga5.blog>, <droga5.cfd>, <droga5.help>, <droga5.sbs>, <droga5.top> be transferred to the Complainant.

/Uwa Ohiku/

Uwa Ohiku

Sole Panelist

Date: June 23, 2025