

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Okafor Collins

Case No. D2022-4202

1. The Parties

The Complainant is Accenture Global Services Limited, Ireland, represented by McDermott Wil & Emery LLP, United States of America (the “United States”).

The Respondent is Okafor Collins, Nigeria.

2. The Domain Name and Registrar

The Disputed Domain Name <accenture-trade.org> (the “Disputed Domain Name”) is registered with Whogohost Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2022. On November 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 9, 2022, the Registrar transmitted by email to the Center its verification response disclosing the 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 November 9, 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 November 11, 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 November 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 2, 2022.

The Center appointed Pham Nghiem Xuan Bac as the sole panelist in this matter on December 6, 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, along with its affiliates and predecessor Accenture Global Services GmbH, is a supplier of a broad range of services and solutions in strategy, consulting, digital, and technology under the brand “Accenture”, and has offices and operations in more than 200 cities in 50 countries. The Complainant’s trademark ranked 32nd in the Interbrand’s Best Brands Report, and ranked 27th in the BrandZ - Top 100 Brand Rankings in the year 2021.

The Complainant holds more than 1,000 trademark registrations that consist of or contain the word “Accenture” (the “ACCENTURE trademarks”) for a variety of products and services in more than 140 countries, including, but not limited to the United States Registrations No. 2665373 registered on December 24, 2002, and No. 2884125 registered on September 14, 2004.

In addition, the Complainant is the owner of the domain name <accenture.com> featuring the ACCENTURE trademarks, registered on August 29, 2000.

The Disputed Domain Name was registered on September 30, 2022. As of the date of this Decision, the Disputed Domain Name is resolving to an inactive website. However, the Disputed Domain Name was used to resolve to a website that is displaying Complainant’s trademark for offering investment services.

5. Parties’ Contentions

A. Complainant

The Complainant contends that each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case, as follows:

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark, in which the Complainant has rights.

First, the Complainant contends that it has rights in and to the ACCENTURE trademarks in many jurisdictions. Further, the Complainant contends that its ACCENTURE trademarks have attained recognition on a worldwide basis.

Second, the Complainant argues that the Disputed Domain Name is confusingly similar to the ACCENTURE trademarks because it incorporates the Complainant’s ACCENTURE trademarks in its entirety. The only difference between the Complainant’s trademarks and the Disputed Domain Name is the addition of the descriptive word “trade”, and a hyphen following the ACCENTURE trademarks, which does nothing to reduce its confusing similarity with the Complainant’s trademarks.

Third, the Complainant argues that the addition of the generic Top-Level Domain (“gTLD”) “.org” should be disregarded under the first element.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

First, the Complainant argues that the ACCENTURE mark is not a generic or descriptive term in which the Respondent might have an interest. In addition, the Respondent is neither affiliated with nor has it been licensed or permitted to use the Complainant's trademarks or any domain names incorporating the ACCENTURE trademarks.

Second, the Complainant contends that the Respondent is not making a legitimate noncommercial use of the Disputed Domain Name since the Disputed Domain Name resolves to an inactive website. In addition, it is not commonly known by the Disputed Domain Name, nor was it known as such before the date on which the Respondent registered the Disputed Domain Name.

Third, the Complainant submits that there is no evidence that the Respondent has used or prepared to use the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

First, the Complainant argues that the Respondent should have been aware of the Complainant's trademarks before registering the Disputed Domain Name given the Complainant's worldwide reputation and the ubiquitous presence of the ACCENTURE trademarks on the Internet.

Second, the Complainant contends that the Respondent is not using the Disputed Domain Name for any legitimate purpose. Moreover, considering that the Complainant's ACCENTURE trademarks are distinctive and well known throughout the world, it is implausible that the Respondent registered the Disputed Domain Name independently for its purposes.

In this present case, the Complainant further argues that many prior UDRP decisions ruled that the passive or inactive holding of a domain name that incorporates a registered trademark, without a legitimate Internet purpose, may indicate that the domain name is being used in bad faith. In addition, the Disputed Domain Name was previously used to host a website that attempted to pass itself off as the Complainant.

Finally, the Complainant submits that the Disputed Domain Name is intentionally registered and used to take advantage of the goodwill of the Complainant's trademarks and intentionally trade-off the reputation of the Complainant's trademarks, which suggests bad faith.

With the said arguments, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Procedural Issues

(I) The Respondent's Identity

The Panel notes that at the time the Complaint was filed on November 5, 2022, the Respondent was identified as "REDACTED FOR PRIVACY / Not Applicable". On November 9, 2022, the Registrar revealed the underlying Registrant "Okafor Collins". The Center sent a Notice of Registrant Information to the Complainant on November 9, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

On November 11, 2022, the Complainant filed an amendment to the Complaint, adding the named Respondent in the initial Complaint with the underlying registrant. Hence, the Panel considers “Okafor Collins” as the Respondent in the subject case.

(II) The Respondent’s Failure to Respond

The Respondent’s failure to file a Response does not automatically result in a decision in favor of the Complainant (see, e.g., *Tradewind Media, LLC d/b/a Intopic Media v. Jayson Hahn*, WIPO Case No. [D2010-1413](#); and *M. Corentin Benoit Thiercelin v. CyberDeal, Inc.*, WIPO Case No. [D2010-0941](#)). However, the Panel may draw appropriate inferences from the Respondent’s default.

B. Identical or Confusingly Similar

The Complainant is required to establish the two following elements: (i) that it has trademark rights, and, if so, (ii) that the Disputed Domain Name is identical or confusingly similar to its trademark.

First, the Panel finds that the Complainant has evidenced that it has trademark rights in and to the ACCENTURE trademarks, which were registered in many countries before the registration of the Disputed Domain Name. In addition, it is evidenced that the Complainant has widely used the ACCENTURE trademarks for, among others, management consulting, technology services, and outsourcing services.

Second, the Disputed Domain Name comprises the Complainant’s ACCENTURE trademarks, to which the Complainant has exclusive rights. The difference between the Disputed Domain Name and the trademarks is the inclusion of a hyphen “-”, which is a punctuation mark, and the word “trade”. This addition does not impact the overall impression of the ACCENTURE trademarks’ dominant and distinctive element which is still clearly recognizable in the Disputed Domain Name. It is well established that the addition of a non-distinctive term and a hyphen mark to a trademark does not prevent a finding of confusing similarity between the complainant’s trademark and the disputed domain name, as it was found in previous UDRP decisions (See, e.g., *Enel S.p.A. v. aaa, bbb ccc*, WIPO Case No. [D2022-1741](#)).

Third, the Panel finds, similarly to other UDRP panels, that the generic Top-Level Domain (“gTLD”), in this case, “.org”, does not affect the Disputed Domain Name to be determined as identical or confusingly similar with the ACCENTURE trademarks (see section 1.11 of the [WIPO Overview 3.0](#)).

Based on the foregoing findings, the Panel finds that the Disputed Domain Name is confusingly similar to the ACCENTURE trademarks, and paragraph 4(a)(i) of the Policy is established.

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy lists circumstances, in particular, but without limitation, which, if found by the Panel to be proved, demonstrate the Respondent’s rights or legitimate interests in the Disputed Domain Name for the purposes of paragraph 4(a)(ii) of the Policy, including:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Panel finds that the Complainant has made a *prima facie* case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent did not reply to the Complainant's contentions and, therefore, did not refute them.

The consensus of previous UDRP decisions is that while the overall burden of proof in UDRP proceedings is on the complainant, once a *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating its rights or legitimate interests in the Disputed Domain Name (see section 2.1 of the [WIPO Overview 3.0](#)). In this instant case, the Panel finds that the Respondent has failed to meet that burden since no response was submitted with evidence to the contrary.

Regarding paragraph 4(c)(i) of the Policy, the Panel finds, on the evidence provided by the Complainant, that no license, permission, or authorization of any kind to register or use the Complainant's trademarks or the Disputed Domain Name has been granted to the Respondent. In addition, there is no indication before the Panel that the Respondent holds any registered or unregistered trademark rights in any jurisdiction related to either the ACCENTURE trademarks or the Disputed Domain Name. Thus, the Panel finds that the Respondent has no rights in the ACCENTURE trademarks.

The Panel finds, according to what the Complainant established and similar to other UDRP panels, that the ACCENTURE trademarks are recognized as well-known (see, e.g., *Accenture Global Services Limited v. ICS Inc./PrivacyProtect.org*, WIPO Case No. [D2013-2098](#)).

Furthermore, the Panel finds that the Disputed Domain Name was used to resolve to a website where the Complainant's trademarks and ACCENTURE logo were incorporated, while no statement or disclaimer disclosing accurately the relationship between the Complainant and the Respondent is placed, but rather stating that the operator of this website was a "global investment firm". This unauthorized use of the ACCENTURE trademarks may mislead Internet visitors into believing in a connection or association between the Respondent and the Complainant, where such connection or association does not exist in reality. Besides, the Panel also finds that the Disputed Domain Name, which is composed of the Complainant's trademark with the term "trade" that is somehow related to the Complainant's services, is inherently misleading (see section 2.5.1 of the [WIPO Overview 3.0](#)). Therefore, the Panel finds that by using the Disputed Domain Name in such a manner, the Respondent is attempting to ride on the reputation of the ACCENTURE trademarks, and thus, such use does not constitute a *bona fide* use within paragraph 4(c)(i) of the Policy.

Regarding paragraphs 4(c)(ii) and 4(c)(iii) of the Policy, the Panel finds that no evidence would suggest that the Respondent, as an individual, business, or other organization, has been commonly known by the Disputed Domain Name, or that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name. In fact, by incorporating the Complainant's distinctive trademark in its entirety within the Disputed Domain Name, the composition of the Disputed Domain Name is such to carry a risk of implied affiliation to the Complainant, contrary to the fact, which cannot constitute fair use.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests regarding the Disputed Domain Name, and the second element, paragraph 4(a)(ii) of the Policy, is established.

D. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy identifies, in particular, but without limitation, four circumstances which, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, including:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The above four circumstances are not exhaustive, and the Panel may find bad faith alternatively.

The Panel finds that the Complainant has put forth evidence that the Respondent has registered and used the Disputed Domain Name in bad faith. The Respondent did not reply to the Complainant's contentions and, therefore, did not refute the Complainant's contentions.

The Panel further finds that the Complainant's ACCENTURE trademarks have been registered in many countries. As mentioned in section C above, the Panel finds that the ACCENTURE trademarks are well known. Given the reputation and wide use of the ACCENTURE trademarks by the Complainant, which well predated the registration date of the Disputed Domain Name, it is very unlikely that the Respondent registered the Disputed Domain Name in a fortuity. Also, the Panel is of the view that the nature of the Disputed Domain Name, incorporating the Complainant's well-known trademarks with only the additions of a hyphen and the term "trade" that is apparently descriptive of the Complainant's business, indicates the Respondent's knowledge of the Complainant and the Respondent deliberately selected the Disputed Domain Name at the time of registration of the Disputed Domain Name. The Panel considers such registration as an attempt by the Respondent to take advantage of the Complainant's goodwill (see section 3.2.1 of the [WIPO Overview 3.0](#)).

In addition, it is well proven and evidenced by the Complainant that the website under the Disputed Domain Name was used to offer investment services of a similar nature as the one of the Complainant. In addition to the adoption of the Complainant's ACCENTURE trademarks as a uniquely distinctive part of the Disputed Domain Name, the Respondent used the Complainant's trademarks and logo images on the website. It is further noted that as of the date of this Decision, the Disputed Domain Name has not been currently used. From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of [WIPO Overview 3.0](#)).

In light of this doctrine, the Panel finds that at the time of registration of the Disputed Domain Name, the Complainant had a considerable reputation in the ACCENTURE trademarks. Hence, it is more likely than not that the Respondent intentionally chose to register the Disputed Domain Name comprising of the Complainant's ACCENTURE trademarks with merely the inclusion of a hyphen and the descriptive term "trade", to somehow confuse Internet users that the Disputed Domain Name may have a connection with the Complainant. Furthermore, the Respondent has failed to submit a response and/or to provide any evidence of actual or contemplated good faith use of the Disputed Domain Name. Therefore, the Panel considers that it is implausible for the Respondent to engage in any good faith use of the Disputed Domain Name.

The Panel takes the view that any Internet users seeking to engage the Complainant's ACCENTURE services would very likely mistakenly believe that the Respondent is either connected to or associated with the Complainant, while no such connection exists in fact. Such misleading behavior is indicative of bad faith within the meaning of paragraph 4(b)(iv) of the Policy, on the part of the Respondent.

Taking into account all of the above and the available record, the Panel finds that the Disputed Domain Name was registered and is being used by the Respondent in bad faith, and the third element under paragraph 4(a)(iii) of the Policy is established.

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 <accenture-trade.org> be transferred to the Complainant.

/Pham Nghiem Xuan Bac/

Pham Nghiem Xuan Bac

Sole Panelist

Date: December 20, 2022