

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. rick alias, Digitad
Case No. D2023-2717

1. The Parties

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

The Respondent is rick alias, Digitad, Canada.

2. The Domain Name and Registrar

The disputed domain name <accenture-sustainability.com> is registered with Google LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 25, 2023. On June 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 2023, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 19, 2023, 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 July 24, 2023.

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 July 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 15, 2023.

The Center appointed James Wang as the sole panelist in this matter on August 17, 2023. 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 business that provides a broad range of services and solutions in strategy, consulting, digital, technology and operations under the name ACCENTURE and is the owner of the ACCENTURE trademark and company name Accenture Global Services Limited.

The Complainant owns more than 1,000 registrations comprising of or containing the ACCENTURE mark in over 140 countries worldwide, including in Canada where the Respondent is located, for a variety of goods and services including, but not limited to, management consulting, technology and outsourcing services. The Complainant owns the following registered ACCENTURE trademarks, among others:

- United States trademark registration No. 3,091,811 for goods and services in Classes 9, 16, 35, 36, 37, 41 and 42, registered on May 16, 2006;
- United States trademark registration No. 3,340,780 for goods in Classes 6, 8, 9, 14, 16, 18, 20, 21, 24 and 28, registered on November 20, 2007;
- United States trademark registration No. 2,884,125 for goods in Classes 18, 25 and 28, registered on September 14, 2004;
- Canada trademark registration No. TMA595621, registered on November 25, 2003.

The Complainant has registered its domain name <accenture.com> as early as August 30, 2000.

The disputed domain name was registered on April 22, 2023 and resolved to a website advertising and promoting what appears to be a purported technology solutions consulting business, which is one of many areas in which the Complainant operates and provides consulting services.

5. Parties' Contentions

A. Complainant

The Complainant contended as follows:

The disputed domain name is identical or confusingly similar to the Complainant's ACCENTURE trademarks. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent registered and is using the disputed domain name in bad faith.

The Complainant requested 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

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has provided evidence that it has obtained numerous ACCENTURE trademark registrations in different jurisdictions worldwide.

The disputed domain name incorporates the entirety of the ACCENTURE trademark, a hyphen, and the term “sustainability”. As the ACCENTURE trademark is recognizable within the disputed domain name, the disputed domain name is confusingly similar to the Complainant’s ACCENTURE trademark. The addition of the hyphen and the term “sustainability” into the disputed domain name does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8.

The Panel therefore finds that the Complaint has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

According to the Complaint, the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant’s ACCENTURE trademarks or any domain names incorporating the ACCENTURE trademarks. It appears that the Respondent has chosen to use the Complainant’s famous ACCENTURE trademark in the disputed domain name to create a direct affiliation with the Complainant and its business, and to cause confusion amongst Internet users. The Respondent is therefore not making a legitimate, noncommercial fair use of the disputed domain name.

Based on the evidence filed by the Complainant, the disputed domain name resolves to a website advertising and promoting what appears to be a purported technology solutions consulting business, which is one of many areas in which the Complainant operates and provides consulting services. Using a confusingly similar domain name to offer competing goods and services is not a *bona fide* offering of goods or services or a legitimate noncommercial or fair use.

The Respondent submitted no response or evidence to rebut the allegations of the Complainant, or to establish that the Respondent is making a *bona fide* use, or a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests, and the Respondent failed to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel therefore finds that the Complaint has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Given the Complainant’s worldwide reputation and the ubiquitous presence of the ACCENTURE trademarks on the Internet, it would be inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant or the ACCENTURE trademark at the time of the registration. The Panel therefore finds that the disputed domain name was registered in bad faith.

Meanwhile, the Complainant's evidence shows that the Respondent is using the disputed domain name to mislead Internet users who are searching for the Complainant, but may instead reach the disputed domain name, where the Respondent holds itself out as offering, competing with, or have the potential to compete with, the Complainant's goods and services in relation to sustainability and technology consulting data analysis. According to the evidence provided by the Complainant, it appears that the Respondent is using the disputed domain name for the bad-faith purpose of intentionally misleading the Internet users to believe that the Respondent is associated or affiliated with the Complainant. The Panel is of the view that the Respondent is using the disputed domain name in bad faith.

The Panel therefore finds that the Complaint has satisfied paragraph 4(a)(iii) 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 <accenture-sustainability.com> be transferred to the Complainant.

/James Wang/

James Wang

Sole Panelist

Date: August 31, 2023