

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Host Master, Transure Enterprise Ltd Case No. D2024-0676

1. The Parties

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

The Respondent is Host Master, Transure Enterprise Ltd, United States.

2. The Domain Name and Registrar

The disputed domain name <accneture.com> (the “Disputed Domain Name”) is registered with Above.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 16, 2024, 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 (Unidentified Registrant of Accneture.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 16, 2024, 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 February 29, 2024.

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 March 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 22, 2024.

The Center appointed Rosita Li as the sole panelist in this matter on March 26, 2024. 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 including management consulting, technology services, and outsourcing services under the name “Accenture”.

The Complainant is the owner of trademarks comprising ACCENTURE and ACCENTURE & Design, which are registered in more than 140 countries. The first United States trademark registration for the ACCENTURE mark dates back to 2002. The Complainant’s U.S. trademark registrations for the ACCENTURE and ACCENTURE & Design marks include the following:

- 1) United States trademark ACCENTURE registered under Registration No. 3,091,811 on May 16, 2006, for goods and services in international classes 9, 16, 35, 36, 37, 41, and 42.
- 2) United States trademark ACCENTURE & Design registered under Registration No. 2,665,373 on December 24, 2002, for services in international classes 35, 36, 41, and 42.
- 3) United States trademark ACCENTURE & Design registered under Registration No. 3,340,780 on November 20, 2007, for goods in international classes 16, 18, 21, 24, and 28.
- 4) United States trademark ACCENTURE & Design registered under Registration No. 2,884,125 on September 14, 2004, for goods in international classes 18, 25, and 28.

(Together with other trademarks of the Complainant, the “ACCENTURE trademarks”).

The Complainant submitted that it has acquired rights and goodwill in the ACCENTURE trademarks through widespread use since January 2001 in management consulting, technology services, outsourcing services, and software solutions services it provides.

The ACCENTURE trademarks have been advertised in connection with various media and have been written about in the press. The brand associated with the ACCENTURE trademarks has been recognized by various rankings worldwide, including but not limited to Interbrands’ Best Global Brands Report, Kantar Millward Brown’s BrandZ – Top 100 Brand Rankings, and Brand Finance’s 2023 Global 500.

The ACCENTURE trademarks have also been used in social and cultural development projects, including but not limited to Skills To Succeed initiative, and the PGA Tour 2022.

The Complainant uses the domain name <accenture.com>, registered on August 30, 2000.

The Complainant operates its website at the domain name <accenture.com>, which shows information about the Complainant and the services that it offers. The ACCENTURE trademarks are shown on the website of the Complainant.

The Disputed Domain Name was registered on June 17, 2012. The Disputed Domain Name results in a sponsored website displaying pay-per-click links.

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. A summary of the Complainant's submission is as follows.

(i) The Disputed Domain Name is confusingly similar to the ACCENTURE trademarks. The Complainant contends that:

- The Disputed Domain Name is formed by a typographical misspelling of the ACCENTURE trademark, which simply swaps the letters "e" and "n" in the ACCENTURE trademark. This constitutes "typosquatting" and is generally insufficient to materially distinguish it from the ACCENTURE trademark; and
- Internet users are very likely to be confused as to whether an association exists between the Disputed Domain Name and the Complainant.

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

- The Respondent is not affiliated with the Complainant;
- The Complainant has never permitted or licensed the Respondent to use the ACCENTURE trademarks;
- The Respondent is not identified in the Whois record;
- The Respondent is not commonly known by the Disputed Domain Name;
- The Respondent has chosen to use the ACCENTURE trademark to form the Disputed Domain Name to confuse Internet users by creating a direct affiliation with the Complainant and its business and to benefit from misdirected Internet traffic. The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name; and
- The Disputed Domain Name results in a sponsored website displaying pay-per-click links. The Respondent's use of the Disputed Domain Name does not qualify as a bona fide offering of goods and services.

(iii) The Respondent registered and is using the Disputed Domain Name in bad faith. The Complainant contends that:

- The Complainant has acquired worldwide reputation of the ACCENTURE trademarks;
- The ACCENTURE trademark is a coined term with no obvious dictionary meaning;
- The Respondent had constructive notice of the ACCENTURE trademarks when it chose the Disputed Domain Name;
- The Respondent registered the Disputed Domain Name that simply swaps the letters "e" and "n" in the Complainant's ACCENTURE trademark, which constitutes typosquatting and this is evidence of bad faith; and
- The Respondent's use of the Disputed Domain Name to redirect Internet users to commercial websites through various sponsored click-through links constitutes bad faith and indicates that the Respondent registered and is using the Disputed Domain Name with the intent to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's ACCENTURE trademarks.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must satisfy each of the following three elements in a complaint:

- (i) the disputed domain name is identical or confusingly similar to a trade mark 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

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 Panel finds the mark is recognizable 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.

Further, section 1.9 of the [WIPO Overview 3.0](#) provides that, "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". The Respondent swapped the letters "e" and "n" in the Complainant's ACCENTURE trademark to form the Disputed Domain Name. The apparent misspelling of the Complainant's ACCENTURE trademark as "accneture" in the Disputed Domain Name does not prevent a finding of confusing similarity between this Disputed Domain Name and the Complainant's ACCENTURE trademarks.

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.

The Panel accepts the Complainant's submissions that the Respondent does not appear to be commonly known by the Disputed Domain Name. The Panel notes that the Respondent is not affiliated with the Complainant nor has the Complainant licensed or authorized the Respondent to use the Complainant's ACCENTURE trademarks, or to register any domain name incorporating the ACCENTURE trademarks.

The Panel notes that the Complainant has included a screenshot in the Complaint, which shows the the Disputed Domain Name resolves to a parked page, which consist of pay-per-click links titled "Watches for Mens", "Mens Watches", and "Fossil Watch", which likely generates income to the Respondent. According to section 2.9 of the [WIPO Overview 3.0](#), "panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users". The Panel is of the view that there is no indication that the Respondent has any plan to use the Disputed Domain Name for any bona fide offering of goods or services rather than to redirect Internet traffic to other websites through creating a likelihood confusion between the disputed domain name and the ACCENTURE trademarks.

The Panel finds it apparent that the Respondent has the intention to divert consumers seeking to find the Complainant. The Panel finds that the use of the Disputed Domain Name, which is confusingly similar to the Complainant's ACCENTURE trademark (swapping the letters "e" and "n"), by the Respondent is an attempt to capitalize on the reputation and goodwill of the Complainant's ACCENTURE trademarks and mislead Internet users. In addition, the Panel noticed from the screenshot of the website of the Dispute Domain Name as provided in the Complaint that there is a statement at the top of the page which suggests that the Disputed Domain Name may be for sale, and invites visitors to click another link to make inquiries about the Disputed Domain Name.

Considering the above, the Panel does not find that the use of the website associated with the Disputed Domain Name is for a bona fide offering of goods and services nor a legitimate noncommercial or fair use.

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.

The Panel finds that at the time of registration of the Disputed Domain Name in 2012, the Complainant's ACCENTURE trademarks were already registered in various jurisdictions, including the United States, where the Respondent is located. The Panel agrees that the Complainant's ACCENTURE trademarks are well known and reputable amongst the general public. The Panel agrees that the Complainant's well-known reputation has been considered and acknowledged by earlier UDRP decisions as provided by the Complainant to the Panel in its submissions.

Considering the reputation of the Complainant and the Complainant's ACCENTURE trademarks, it would not be plausible for the Respondent to claim that it was unaware of the Complainant and the ACCENTURE trademarks. The Panel is prepared to infer that the Respondent knew or should have known that its registration of the Disputed Domain Name would be confusingly similar to the Complainant's ACCENTURE trademarks (section 3.2.2 of the [WIPO Overview 3.0](#)). Accordingly, the Panel finds that the Respondent's registration of the Disputed Domain Name, which is confusingly similar to the Complainant's ACCENTURE trademark was in bad faith.

By using the Disputed Domain Name for a website with pay-per-click links and by creating a likelihood of confusion with the ACCENTURE trademarks, the Panel finds that the Respondent has intentionally attempted to attract Internet users to other online locations for commercial gain. Such use constitutes bad faith.

Moreover, factors such as the domain name incorporating a trade mark in its entirety with typos, and a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the Disputed Domain Name are additional indicators of bad faith (section 3.2.1 of the [WIPO Overview 3.0](#)).

The Complainant's ACCENTURE trademark is a coined term which is distinctive and widely known. Yet, the Respondent has failed to provide a response or evidence of actual or contemplated use of the Disputed Domain Name in good faith.

In light of the above, 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 <accneture.com> be transferred to the Complainant.

/Rosita Li/

Rosita Li

Sole Panelist

Date: April 9, 2024