

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Norazeth Milinvorapapond
Case No. D2024-3212

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 Norazeth Milinvorapapond, Thailand.

2. The Domain Name and Registrar

The disputed domain name <accenture-secondlife.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 6, 2024. On August 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 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 (REDACTED FOR PRIVACY (DT) / Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 August 9, 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 August 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2024.

The Center appointed Knud Wallberg as the sole panelist in this matter on September 13, 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 in strategy, consulting, digital, technology and operations under the name ACCENTURE, with a registered business address in Ireland. The Complainant has offices and operations in more than 200 cities in 49 countries.

The Complainant has used the ACCENTURE mark in connection with various services, including management consulting, technology services and outsourcing services, since January, 2001. The Complainant has obtained, among others, the following United States registrations of the ACCENTURE mark:

- ACCENTURE, United States Registration No. 3091811, registered May 16, 2006, for various goods and services in Classes 9, 16, 35, 36, 37, 41, and 42;
- ACCENTURE & Design, United States Registration No. 2665373, registered December 24, 2002, for various goods and services in Classes 9, 16, 35, 36, 37, 41, and 42;
- ACCENTURE & Design, United States Registration No. 2884125, registered September 14, 2004, for various goods in Classes 18, 25, and 28.

In addition, the Complainant has registrations for the ACCENTURE mark and ACCENTURE & Design mark in more than 140 countries, for a variety of products and services.

The Complainant registered the domain name <accenture.com> August 29, 2000, which is used for the Complainant's corporate website.

The disputed domain name, <accenture-secondlife.com> was registered by the Respondent on May 16, 2024, and, at the time of filing of the Complaint, it resolved to an active website, which purported to be the website of a company called "Études Architectural Solutions".

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 that the disputed domain name is confusingly similar to the Complainant's famous ACCENTURE trademark. The disputed domain name is thus comprised of the ACCENTURE trademark paired with a hyphen and the terms "second" and "life", which may refer to the well-known third-party SECOND LIFE trademark, which is used for an online multimedia computing platform that allows people to create an avatar for themselves and then interact with other users and user-created content within a multi-user online virtual world.

The Complainant further contends that the Respondent has no rights or legitimate Interests in respect of the disputed domain name. The ACCENTURE mark is not a generic or descriptive term in which the Respondent might have an interest, and the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's ACCENTURE marks or any domain name incorporating the ACCENTURE marks. The Respondent's use of the disputed domain name to redirect users to a website mimicking an unrelated third party, while associating the Complainant's famous ACCENTURE trademark with the unaffiliated third party, does not confer any rights or legitimate interest in respect of the disputed domain name on the Respondent.

The Complainant finally contends in view of the fame of the ACCENTURE trademark, it is implausible that the Respondent registered the disputed domain name independently for its own purposes. Moreover, the Respondent's use of the disputed domain name to redirect Internet users to a website displaying the Complainant's famous ACCENTURE trademark but mimicking the website of an unrelated third-party company is bad faith use and registration of the disputed domain name.

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.

Although the addition of other terms here, "second life", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, the addition of the generic Top-Level Domain ("gTLD") ".com" does not prevent a finding of confusing similarity under the first element 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 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.

Moreover, the documented use of the disputed domain name to resolve to a website displaying the Complainant's trademark while purportedly promoting services from an unrelated third-party cannot be considered as a bona fide offering of goods and services.

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.

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.

Given the circumstances of the case, including the evidence on record of the use and reputation of the Complainant's trademark ACCENTURE and the distinctive nature of this mark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's mark.

The disputed domain name was used actively to resolve Internet users to a website that displayed the Complainant's ACCENTURE trademark but which at the same time apparently mimics the website of an unrelated third-party company. Such use constitutes bad faith use 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 name <accenture-secondlife.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: October 3, 2024