

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Ahmed Abdul Ahad, Accenture Consultants

Case No. D2024-3962

1. The Parties

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

The Respondent is Ahmed Abdul Ahad, Accenture Consultants, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <theaccentureconsultants.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 27, 2024. On September 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 30, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 1, 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 October 4, 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 October 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 29, 2024.

The Center appointed Mihaela Maravela as the sole panelist in this matter on November 1, 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

According to information in the Complaint, 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. The Complainant has offices and operations in more than 200 cities in 49 countries.

The Complainant is the exclusive owner of a number of registered trademarks consisting of ACCENTURE including the U.S. trademark registration no. 3,091,811, registered on May 16, 2006, covering goods and services in classes 9, 16, 35, 36, 37, 41, and 42 or the Pakistani trademark registration no. 460590, registered on June 5, 2017, covering services in class 41.

Also, the Complainant has registered the trademark ACCENTURE and ACCENTURE & Design in more than 140 countries (and the Complainant has submitted sample evidence in this regard), for a variety of products and services including, but not limited to, its management consulting, technology services and outsourcing services. The Complainant owns and operates the website at “www.accenture.com”, registered from August 29, 2000. The ACCENTURE trademark ranked 30th in the 2023 Interbrand’s Best Global Brands Report.

The disputed domain name was registered on February 16, 2024 and it resolves to a website which promotes services such as immigration, student visas, and embassy appointments.

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 nearly identical and confusingly similar to the Complainant’s famous ACCENTURE trademark. The disputed domain name is comprised of the ACCENTURE trademark of the Complainant paired with the descriptive terms “the” and “consultants,” which create a direct reference to the Complainant’s core business services, being corporate business strategy consulting services and solutions.

As regards the second element, the Complainant argues that the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant’s ACCENTURE trademarks or any domain name incorporating the ACCENTURE trademarks. The Whois information for the disputed domain name identifies the Respondent as Abdul Ahad, Accenture Consultants. The Complainant argues that on information and belief, the Respondent is not commonly known by the disputed domain name. It is the Complainant’s understanding that the Respondent may have taken steps to register an entity called Accenture Consultants (Private) Limited, in Pakistan. However, the Complainant does not believe that the Respondent is operating a legitimate business, and has instead registered a company name and a domain name featuring the famous ACCENTURE trademark paired with the term “consultants” – being the Complainant’s core service offering – in order to pass itself off as, or to appear affiliated with, the Complainant and its internationally famous trademark rights.

Further, the Complainant argues that the Respondent is not making a legitimate noncommercial fair use of the disputed domain name. Rather, the Respondent is using the disputed domain name to advertise and promote a business that it refers to as “The Accenture Student Consulting,” touting services such as

immigration, student visas, and embassy appointments, which arguably compete, or have the potential to compete, directly with the Complainant's service offerings relating to consulting services pertaining to the strategic hiring of immigrant and refugee communities. The Respondent's activities constitute passing off, in that the Respondent is trying to pass itself off as the Complainant, a leader known around the world in relation to consulting and business management services.

With respect to the third element, the Complainant argues that given its worldwide reputation and the ubiquitous presence of its ACCENTURE trademarks on the Internet, the Respondent was or should have been aware of the ACCENTURE trademarks long prior to registering the disputed domain name. The Respondent uses the disputed domain name to mislead Internet users who are searching for the Complainant, but instead reach the Respondent's disputed domain name, where the Respondent holds itself out as offering, competing with, or having the potential to compete with, the Complainant's goods and services. This competing use is a disruption of the Complainant's business and is in bad faith pursuant to the Policy 4(b)(iii).

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2.

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the trademark ACCENTURE 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, "the" and "consultants", 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.

It is the settled view of panels applying the Policy that the Top-Level Domain ("TLD") (here ".com") should be disregarded under the first element test.

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.

In the present case, the Complainant has established a prima facie case that it holds rights over the trademark ACCENTURE decades prior to the registration of the disputed domain name, and claims that the Respondent has no legitimate interests to acquire and use the disputed domain name. There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Rather, according to the unrebutted evidence of the Complainant, the website at the disputed domain name is used to purportedly offer for sale related services to those offered by the Complainant. The Panel notes the composition of the disputed domain name, which carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. According to the unrebutted statements of the Complainant, it has never granted any license or authorization to the Respondent or to the person indicated on the website at the disputed domain name to use the ACCENTURE trademark. Under such circumstances, it appears to the Panel, on balance, that the purpose behind the Respondent’s website is to encourage visitors, under the false impression that they are dealing with an affiliate of the Complainant, to purchase the Respondent’s services, trading off the goodwill and reputation of the Complainant and its mark, such conduct not being bona fide. Panels have held that the use of a domain name for such impersonation would not confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel further notes that the Respondent’s name appears to include “Accenture Consultants” and also the website at the disputed domain name refers to a certain company, “Accenture Consultants”. However, the Respondent did not claim it is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. Moreover, the Panel considers that the Respondent cannot claim to have been “commonly known” by the disputed domain name under the above-mentioned paragraph of the Policy, as the circumstances of the case indicate that the Respondent most likely adopted the name “Accenture Consultants” specifically to take advantage of the Complainant’s rights, as discussed in Section 6C below.

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.

According to the unrebutted assertions of the Complainant, its ACCENTURE trademark was registered and used in commerce well before the registration of the disputed domain name. Given also the fact that the services offered are in the same area of activity with those of the Complainant, it seems evident that the Respondent was aware of the Complainant's trademarks at the registration date of the disputed domain name and targeted them. The disputed domain name resolves to a website offering services such as immigration, student visas, and embassy appointments, which arguably compete, or have the potential to compete, directly with the Complainant's service offerings relating to consulting services pertaining to the strategic hiring of immigrant and refugee communities, which may suggest to Internet users that the website to which the disputed domain name resolves is affiliated to the Complainant. Therefore, given the circumstances in the case the Panel considers that the Respondent has intentionally created a likelihood of confusion with the Complainant's trademarks in order to attract Internet users for its own commercial gain, as envisaged by paragraph 4(b)(iv) of the Policy and/or to disrupt the business of the Complainant. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. Panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Moreover, the Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions or provide any evidence of actual or contemplated good-faith use. In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name. The Respondent failed to bring evidence to the contrary.

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 <theaccentureconsultants.com> be transferred to the Complainant.

/Mihaela Maravela

Mihaela Maravela

Sole Panelist

Date: November 13, 2024