

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. Arbaaz Arbaaz, company
Case No. D2024-4900

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 Arbaaz Arbaaz, company, United Arab Emirates ("UAE").

2. The Domain Name and Registrar

The disputed domain name <accenturetechitsolution.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 November 27, 2024. On November 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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 December 2, 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 December 5, 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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Respondent sent email communications to the Center on December 6, 2024. On January 7, 2025, the Center notified the Parties that it would proceed to panel appointment.

The Center appointed Gill Mansfield as the sole panelist in this matter on January 20, 2025. 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, with a registered address in Dublin, Ireland, that provides a broad range of services and solutions in strategy, consulting, digital, technology and business operations under the name ACCENTURE. It has offices and operates in more than 200 cities in 49 countries and has been offering services under the ACCENTURE name since January 1, 2001.

The Complainant is the owner of various ACCENTURE trademarks and marks incorporating ACCENTURE including (inter alia) the following:

United States trademark registration number 2665373 for ACCENTURE (figurative mark) registered on December 24, 2002, in classes 9, 16, 35, 36, 37, 41, and 42.

United States trademark registration number 3091811 for ACCENTURE (word mark) registered on May 16, 2006, in classes 9, 16, 35, 36, 37, 41, and 42.

United states trademark registration number 7266256 for ACCENTURE (word mark) registered on January 9, 2024, in classes 9, 35, 36, 37, 41, and 42.

The Complainant has an international portfolio of ACCENTURE and ACCENTURE formative marks with more than 1000 registrations across 140 jurisdictions including the UAE.

The Complainant owns and operates a website promoting and disseminating information about its services and global offices from the domain name <accenture.com>. This domain name was registered on August 29, 2000.

The disputed domain name was registered on July 4, 2023 and at the time of this decision resolved to an active website promoting IT services and solutions including website development, search engine optimisation, social media marketing, and e-commerce development with an address in the UAE.

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 refers to a portfolio of ACCENTURE marks registered worldwide including in the UAE. It states that it has used the ACCENTURE mark in commerce since 2001 and enjoys strong worldwide rights in, and recognition of, the ACCENTURE Trademark. It contends that it has developed substantial goodwill in the ACCENTURE name, marks, and domain name, and points to multi-million USD annual worldwide advertising expenditure, the recognition of ACCENTURE in many respected brand rankings and its sponsorship of sport and cultural activities across the world, in support of its contention that the ACCENTURE marks have become distinctive and are globally famous.

The Complainant argues that the disputed domain name is nearly identical and confusingly similar to the Complainant's ACCENTURE mark, being comprised of the Complainant's ACCENTURE mark paired with the descriptive terms "tech", "it", and "solution". It asserts that where the relevant trademark is recognisable

within the disputed domain name, the addition of descriptive terms such as these does not prevent a finding of confusing similarity, especially where the descriptive terms suggest an affiliation with the Complainant.

The Complainant also contends that the Respondent has no legitimate interests in respect of the disputed domain name. It states that the ACCENTURE mark is not a generic or descriptive term in which the Respondent might have an interest. It further states that the ACCENTURE marks are globally famous and have acquired secondary meaning through the Complainant's substantial, continuous and exclusive use in relation to the Complainant's goods and services. The Respondent is not affiliated with the Complainant nor has it been licensed or permitted to use the ACCENTURE mark or any domain name incorporating the mark. It submits that the Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial fair use of the disputed domain name. The Complainant states that the Respondent is using the disputed domain name to promote and advertise a business referred to as "Accenture Technology" using a similar purple and blue colour scheme as the Complainant's official website, and that it offers services which arguably compete, or have the potential to compete, with those of the Complainant. The Complainant does not believe that the Respondent is operating a legitimate business rather than that it has registered a company name and the disputed domain name to pass itself off as, or appear to be affiliated with, the Complainant and its trademark.

Finally, the Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. It contends that given the Complainant's worldwide reputation and the presence of the ACCENTURE marks on the Internet, the Respondent was, or should have been, aware of the ACCENTURE mark prior to registering the disputed domain name. It also contends that the use of the disputed domain name amounts to bad faith pursuant to clauses 4(b)(iii) and 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not reply formally to the Complainant's contentions. The Respondent did however send two unsigned emails to the Center on the date noted above. Those emails do not address the various elements of the Complaint or address the Complainant's contentions. They include a request that the domain name registrant details be updated to "Accenture Tech IT Solution" with an address in the UAE and attach a copy of a document which the Respondent states is a company registration certificate. The attached document is entitled "Commercial License", appears to be issued by the Department of Economy and Tourism in Dubai, UAE and the company name given is: "Accenture Tech IT Solutions L.L.C." The document has an issue date of July 23, 2024 and an expiry date July 22, 2025. It gives the full names of two "License Members" both of whom are stated to be of Indian nationality.

6. Discussion and Findings

Under paragraph 4(a) of the Policy the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and
- (iii) that 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 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 addition of the term “techitsolution”) may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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 Respondent is not affiliated with the Complainant and it has not been licensed or permitted by the Complainant to use the ACCENTURE mark or any domain name incorporating the ACCENTURE mark. There is no relevant evidence that the Respondent is commonly known by the disputed domain name. On the contrary, it is clear from the record that the Respondent is not commonly known by the disputed domain name. The Panel notes that the name of the Respondent (as provided by the Registrar) is Arbaaz Arbaaz, Company.

The Respondent has also provided no relevant credible evidence of use, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods and services. Further, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain or to misleadingly divert customers or tarnish the trademark.

As set out above, the disputed domain name directs to an active website purporting to offer IT services. Services related to, and potentially competitive with, the services offered by the Complainant. The Panel notes that the website uses a logo which prominently features the Complainant’s registered ACCENTURE trademark along with the word “technology” and that the website uses blue and purple colours which are similar to those on the Complainant’s own website.

Moreover, the Panel finds that the composition and construction of the disputed domain name which consists of the Complainant’s well-known ACCENTURE trademark followed by the descriptive terms “tech” (an abbreviation of the word technology), “it” (an acronym for information technology an expression which is used to denote the use of computers, software and the infrastructure and processes for the creation, storage and processing of electronic data) and “solution”, is such as to carry an implied risk of affiliation which cannot

constitute fair use, as it effectively impersonates the Complainant, or suggests an affiliation with or sponsorship or endorsement by the Complainant ([WIPO Overview 3.0](#), section 2.5.1).

The Panel notes that the Respondent has not provided a substantive response to the Complaint and has not addressed the Complainant's contentions. In relation to the Respondent's two short emails and the document sent by the Respondent, the Panel notes that neither of the emails is signed and the document which the Respondent claims to be a company registration document is entitled "Commercial License" and (from the face of the document) appears to be a trade licence. The Panel notes that the Respondent has provided no explanation of what it asserts the probative value of the document is or anything to substantiate its validity or provenance. Further, the Panel notes that the names of the two License Members cited on the document are not the Respondent and nor has any evidence been provided to suggest they are in any way associated with the Respondent. Having regard to all of the circumstances, the Panel does not consider this to be credible probative evidence in relation to the substance of the Complaint, or to establish rights or legitimate interests in the disputed domain name in accordance with paragraph 4(c) of the Policy.

The Panel finds on balance 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.

In the present case, the Panel notes that the Respondent registered the disputed domain name in July 2023 over 20 years after the Complainant's registration of the ACCENTURE trademark. The Complainant has provided evidence that the ACCENTURE trademark and brand has become distinctive and is recognised through the world. Having reviewed the available record, including the submissions of the Complainant in relation to its multi-million USD worldwide advertising expenditure, its sponsorship of cultural and sporting activities worldwide, and its recognition in many respected brand rankings, the Panel finds that the Complainant enjoys substantial goodwill in the ACCENTURE trademark and that the trademark is well-known throughout the world.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption on bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Panel notes the composition and structure of the disputed domain name which comprises the Complainant's well-known ACCENTURE trademark with the addition of the descriptive words "tech", "IT" and "solution" added after the mark. The disputed domain name therefore also directly corresponds to the Complainant's field of commercial activity and operation.

Further and as noted above, the disputed domain name resolves to an active website which appears to promote various IT services and solutions using a figurative logo "Accenture Technology" and using similar blue and purple colours to those on the Complainant's own website.

In the circumstances, and given the worldwide renown of the Complainant's ACCENTURE trademark, the Panel considers it is implausible that the disputed domain name was selected by the Respondent without the Complainant's trademark and brand in mind.

Consequently, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating the likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website and services offered in the Respondent's website under paragraph 4(b)(iv) of the Policy.

Having reviewed the available record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith 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 <accenturetechitsolution.com> be transferred to the Complainant.

/Gill Mansfield/

Gill Mansfield

Sole Panelist

Date: February 3, 2025