

ADMINISTRATIVE PANEL DECISION

Accenture Global Services Limited v. 李承轩 (li cheng xuan), 廖玲娜 (Liao Lingna)

Case No. D2025-0182

1. The Parties

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

The Respondents are 李承轩 (li cheng xuan), and 廖玲娜 (Liao Lingna), China.

2. The Domain Names and Registrar

The disputed domain names <accentureflex.info>, <accentureflex.shop>, and <accentureflex.top> are registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 17, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 20, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY, Unidentified Registrant) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 20, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amended Complaint in English on January 25, 2025.

On January 20, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreements for the disputed domain names is Chinese. On January 25, 2025, the Complainant requested English to be the language of the proceeding. The Respondents did not submit any comment on the Complainant's submission.

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”).

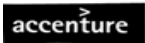
In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents in Chinese and English of the Complaint, and the proceedings commenced on January 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on February 21, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on February 28, 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 a company with registered business address in Ireland and has used the ACCENTURE mark since 2001 in connection with various services, including management consulting, technology services and outsourcing services. The Complainant has offices and operations in more than 200 cities in 49 countries. The ACCENTURE mark has also been recognized as a leading global brand by brand consulting companies in the industry (e.g., Interbrand’s Best Global Brands Report since 2002).

The Complainant provides evidence that it owns an international portfolio of trademark registrations and applications incorporating the term “Accenture”. These registrations include, but are not limited to, United

States Trademark Registration No. 2665373 for  registered on December 24, 2002, and United States Trademark Registration No. 3091811 for ACCENTURE registered on May 16, 2006. The Complainant also has a strong online presence and owns its official domain name <accenture.com> registered since August 29, 2000.

The disputed domain names were registered on the following dates: <accentureflex.info> was registered on December 17, 2024, and <accentureflex.shop> and <accentureflex.top> were registered on December 18, 2024. The disputed domain names are therefore of a later date than the abovementioned trademarks of the Complainant. The Complainant also submits evidence that the disputed domain names previously directed to websites hosting links to various products sold via eBay or Amazon. Moreover, the websites at the disputed domain names <accentureflex.shop> and <accentureflex.top> featured the ACCENTURE trademark, and the address listed at the bottom of each of the websites is the Complainant’s address of its Chicago headquarters. The Panel notes that on the date of this Decision, the disputed domain names direct to inactive webpages.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its registered trademark for ACCENTURE, that the Respondents have no rights or legitimate interests in respect of the disputed domain names, and that the disputed domain names were registered and being used in bad faith to divert Internet users to the Respondents’ webpages displaying online product listings, without any disclaimer clarifying the lack of a relationship between the Complainant and the Respondents. The Complainant also

argues that the Respondents had or can be expected to have had prior notice of the Complainant's trademarks at the time the disputed domain names were registered, since the Complainant registered its trademarks for ACCENTURE many years prior to the registration of the disputed domain names and since these marks have become well known. The Complainant essentially contends that the Respondents have registered the disputed domain names only to unlawfully trade off the reputation and goodwill of the Complainant's ACCENTURE mark and have intentionally attracted Internet users for commercial gain to their websites, by creating consumer confusion between the websites associated with the disputed domain names and the Complainant's trademarks.

The Complainant requests the transfer of the disputed domain names.

B. Respondents

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

6. Discussion and Findings

6.1 First Preliminary Issue: Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

As regards common control, the Panel notes that the named registrants both list Quanzhou, Fujian, China as their address and both registrants share the same phone number; each of the disputed domain names was registered via the same Registrar, and were registered within a short time span, namely within one day of each other with <accentureflex.info> registered on December 17, 2024, and <accentureflex.shop> and <accentureflex.top> registered on December 18, 2024. Furthermore, all disputed domain names target the same mark of the Complainant, namely ACCENTURE adding the same term "flex", and previously resolved to websites with the same purpose, i.e., the hosting of links to various products sold via eBay or Amazon. The Panel deduces from these facts that the disputed domain names are likely under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Second Preliminary Issue: Language of the Proceeding

The language of the Registration Agreements for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and the amended Complaint were filed in English. The Complainant requests that the language of the proceeding be English for several reasons, including the fact that the Respondent has registered the disputed domain names that are nearly identical to the Complainant's English-language

company name and trademark, i.e., Accenture (an Irish company) paired with the additional English word “flex,” and using English-language Top-Level Domains (“TLDs”), namely, “.info”, “.shop”, and “.top”, suggesting that the Respondent is targeting English-speaking web users. Further, the Complainant argues that allowing the dispute to proceed in Chinese would arguably give the Respondent an advantage by forcing the Complainant to incur additional costs and expenses in seeking local assistance in China for handling the dispute related to the disputed domain names that are comprised entirely of an English-language trademark and other English-language terms.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.3 Substantive Issues: Three Elements

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 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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the term “flex” in the disputed domain names does not prevent a finding of confusing similarity under the first element. [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 names. 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 names such as those enumerated in the Policy or otherwise.

Moreover, upon review of the facts and evidence, the Panel notes that the Respondent has not provided any evidence of the use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Instead, upon review of the facts and the evidence submitted in this proceeding, the Panel notes that the disputed domain names previously directed to online product listings, without any prominent and accurate disclaimer clarifying the lack of a relationship between the Complainant and the Respondent. It is clear to the Panel from the foregoing elements that the Respondent could not be considered a good faith provider of goods or services under the disputed domain names, see also *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Given the abovementioned elements, the Panel concludes that the Respondent's use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names.

Furthermore, the Panel notes that the disputed domain names currently direct to inactive or blank webpages. In this regard, the Panel finds that holding the disputed domain names merely passively in this proceeding, without making any use of them, also does not confer any rights or legitimate interests in the disputed domain names on the Respondent (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privée.Com and Vente-Privée.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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.

In the present case, the Panel notes that the Respondent has registered the disputed domain names which are each confusingly similar to the Complainant's intensely used and internationally well-known trademark for ACCENTURE (see in this regard also earlier UDRP decisions such as *Accenture Global Services Limited v ICS INC. / PrivacyProtect.org*, WIPO Case No. [D2013-2098](#) which have recognized the well-known nature of these marks). The Panel deduces from this fact that by registering the disputed domain names, the Respondent deliberately and consciously targeted the Complainant's prior well-known trademarks for ACCENTURE. The Panel finds that this creates a presumption of bad faith. In this regard, the Panel refers to the [WIPO Overview 3.0](#), section 3.1.4, which states "[p]anels 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 of bad faith." Furthermore, the Panel also notes that the Complainant's trademarks for ACCENTURE were registered many years before the registration dates of the disputed domain names. The Panel infers from these elements that the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks at the time of registering the disputed domain names. In the Panel's view, these elements indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

As to use of the disputed domain names in bad faith, the Complainant provides evidence that the use of the disputed domain names, which previously directed to websites hosting commercial links to products sold via eBay or Amazon. Moreover, the websites at the disputed domain names <accentureflex.shop> and <accentureflex.top> featured the ACCENTURE trademark, and the address listed at the bottom of each of the websites is the Complainant's address of its Chicago headquarters. Such conduct showed the

Respondent's clear intent to create a likelihood confusion with the Complainant for commercial gain. The Panel concludes from this fact that the Respondent has intentionally attracted Internet users for commercial gain to such websites, by creating consumer confusion between the websites associated with the disputed domain names and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. The Panel therefore finds that it has been demonstrated that the Respondent has used these disputed domain names in bad faith.

Noting that the disputed domain names currently point to inactive or blank webpages, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and strong reputation of the Complainant's trademarks, the composition of the disputed domain names (each clearly containing the well-known ACCENTURE mark in its entirety), and the implausibility of any good faith use to which the disputed domain names may be put, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of 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 names <accentureflex.info>, <accentureflex.shop>, and <accentureflex.top> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: March 14, 2025