

## **ADMINISTRATIVE PANEL DECISION**

Accenture Global Solutions Limited v. Host Master, Njalla Okta LLC  
Case No. D2025-1710

### **1. The Parties**

The Complainant is Accenture Global Solutions Limited, United States of America, represented by McDermott Will & Emery LLP, United States of America.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

### **2. The Domain Name and Registrar**

The disputed domain name <droga5.click> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2025. On April 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 29, 2025, 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 / Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 30, 2025, 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 May 1, 2025.

The Center verified that the Complaint together with 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 May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2025.

The Center appointed Gill Mansfield as the sole panelist in this matter on June 6, 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 that provides a range of services and solutions in strategy, consulting, digital, technology and operations.

The Complainant's company DROGA5 is a global creative and advertising agency headquartered in New York with offices in London, Tokyo, Sao Paulo, Dublin, Australia and New Zealand. It was founded in 2006 and provides creative strategy, brand design, brand experience, campaigns and performance marketing services under the name DROGA5. DROGA5 was acquired by the Complainant in 2019.

The Complainant has registrations for the DROGA5 trademark in multiple jurisdictions worldwide, including (inter alia) the following:

United States of America trademark registration number 3586467 for DROGA5 (word mark) registered on March 10, 2009, in class 42.

European Union trademark registration number 012405247 for DROGA5 (word mark) registered on May 2, 2014, in classes 35, 41 and 42.

United States of America trademark registration number 7667359 for DROGA5 (word mark) registered on January 28, 2025, in classes 35, 38, 41 and 42.

The Complainant also has registrations in various countries worldwide for a stylized version of the trademark DRO5A which corresponds to the company logo.

The Complainant owns and operates a website at "www.droga5.com" where Internet users can find information about the creative agency and advertising services offered by the Complainant and its global network. The domain name <droga5.com> was registered on November 14, 2005 and is held in the name of the Complainant's affiliate company, Accenture Global Services Ltd.

The disputed domain name was registered on April 11, 2025, and at the time of the Complaint led to a warning page that warned Internet users of suspected phishing, and beyond that the warning page led to an active website with a login page branded with the Complainant's logo.

#### **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 identical and confusingly similar to the DROGA5 mark as it contains the complete DROGA5 trademark. The Complainant further contends that the DROGA5 mark is not a generic or descriptive term in which the Respondent might have an interest, and that the mark is inherently distinctive and as such the disputed domain name carries a risk of implied affiliation that cannot constitute fair use. It states that the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's DROGA5 marks, nor any domain names incorporating the DROGA5 mark. It states that the Respondent is not commonly known by the disputed domain name. It also contends

that the Respondent is not making a legitimate noncommercial fair use of the disputed domain name. It asserts that the disputed domain name has been flagged for phishing purposes, and leads to a registration / login page that invites visitors to the site to input login information or to register. The Complainant states that if a visitor to the page clicks on the "Terms of Use for Personal Information" link, the disputed domain name purports to host a website for part-time jobs with the Complainant's DROGA5 company. It contends that by using the Complainant's name and logo the Respondent is attempting to pass itself off as the Complainant in the form of an online resource for obtaining employment with the Complainant, and through which the Respondent is likely attempting to collect email addresses and other personal information. It asserts that such use can never confer rights or legitimate interests on a respondent and that the Respondent is falsely posing as the Complainant for financial gain, to trade off the goodwill associated with the Complainant's DROGA5 mark, and to misleadingly divert Internet traffic from the Complainant's official site.

The Complainant further contends that the Respondent has registered and is using the disputed domain name in bad faith, asserting that the Respondent's use of the disputed domain name to create a false association with the Complainant, and to perpetuate fraudulent employment and phishing schemes under the guise of an official recruiting website operated by the Complainant, constitutes bad faith.

## **B. Respondent**

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

## **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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable Top-Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. As such, the ".click" generic TLD in the disputed domain names is disregarded for the purposes of the first element confusing similarity 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 recognised 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 notes that the Respondent is not affiliated with the Complainant and had not been licensed or permitted to use the Complainant’s trademark, or any domain name incorporating those marks.

The Respondent is not commonly known by the disputed domain name. There is also no evidence of use of the domain name in connection with a bona fide offering of goods or services, or evidence of legitimate noncommercial or fair use the disputed domain name. On the contrary, the disputed domain name has been directed to a webpage which at the time of the complaint was flagged as used for phishing purposes; beyond that warning notice the disputed domain name is directed to a webpage that uses the Complainant’s trademark and stylized logo, and invites Internet users to input login information or to register. The “Terms of Use for Personal Information” on the website give the impression that such information will be used in relation to part-time jobs and recruitment activities relating to the Complainant. The “Terms and Conditions” on the website repeatedly refer to the Complainant’s company and DROGA5 trademark. Having reviewed the available record, the Panel accepts the Complainant’s contention and evidence that the Respondent is trying to pass itself off as the Complainant to Internet users by using the Complainant’s name, logo and trademarks, and falsely purporting to serve as a resource for part-time employment with the Complainant. In doing so, Internet users are requested to send personal information which is likely to be used for phishing purposes.

The Panel notes that the disputed domain name reproduces the Complainant’s distinctive DROGA5 trademark in full. As such the disputed domain name is such that it carries a high risk of implied affiliation that cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Further, Panels have consistently held that the use of a domain name for illegitimate or illegal activity, including phishing and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 registered the disputed domain name more than 19 years after the Complainant first used the DROGA5 trademark in commerce and that the trademark is highly distinctive. In view of the use of the disputed domain name (discussed above) it is inconceivable that

the Respondent was not aware of the Complainant's company and DROGA5 trademarks at the time that the disputed domain name was registered.

The record shows that at the time of the Complaint the disputed domain name resolved to a website that created a false association with the Complainant and its trademarks and purported to serve as a resource for employment with the Complainant, requesting personal information from Internet users in order to, in all likelihood, perpetuate a phishing scheme.

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 under paragraph 4(b)(iv) of the Policy.

Further, Panels have consistently held that the use of a domain name for illegitimate or illegal activity, in this case impersonation / passing off, in all likelihood as part of a phishing scheme, constitutes bad faith.

[WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute 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 <droga5.click> be transferred to the Complainant.

*/Gill Mansfield/*

**Gill Mansfield**

Sole Panelist

Date: June 17, 2025