



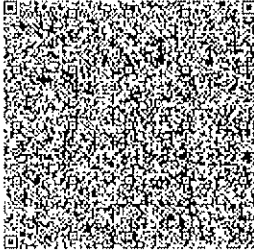
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL50394592486449Q
Certificate Issued Date : 13-Jul-2018 05:19 PM
Account Reference : IMPACC (IV)/ dl831103/ DELHI/ DL-DLH
Unique Doc. Reference : SUBIN-DL83110304759500324481Q
Purchased by : SUDARSHAN KUMAR BANSAL
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : SUDARSHAN KUMAR BANSAL
Second Party : Not Applicable
Stamp Duty Paid By : SUDARSHAN KUMAR BANSAL
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



-----Please write or type below this line-----

.IN Registry
(NATIONAL INTERNET EXCHANGE OF INDIA)

COMPLAINANT

Accenture Global Services Limited,

VERSUS

RESPONDENT

Accenture Accenture

ARBITRATION AWARD

W.K. Bandyopadhyay

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shoestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The place of execution/the registry is on the users of the certificate.
3. In case of any discrepancy, please inform the Competent Authority.

.IN Registry

(NATIONAL INTERNET EXCHANGE OF INDIA)

ADMINISTRATIVE PANEL DECISION
SOLE ARBITRATOR: SUDARSHAN KUMAR BANSAL

INDRP Case No. 998

COMPLAINANT

Accenture Global Services Limited,
3 Grand Canal Plaza,
Grand Canal Street Upper,
Dublin- 4, Ireland

VERSUS

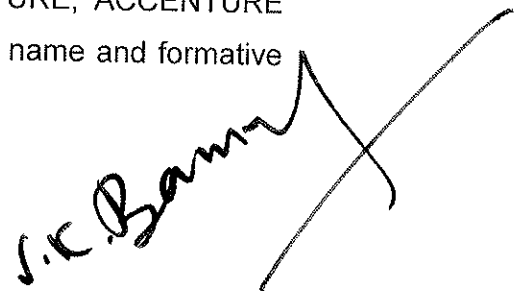
RESPONDENT

Accenture Accenture
1904, Mumbai- 400045
India

E-Mail: accentures.in@gmail.com

ARBITRATION AWARD

1. The Complainant is aggrieved by the domain name accentures.in being registered with the sponsoring Registrar GoDaddy.com LLC (R101-AFIN) in the name of the Respondent and being so used by the Respondent and has accordingly made this Complaint seeking the relief that this domain name <www.accentures.in> be transferred to it.
2. The Complainant has preferred this Complaint on the basis of its claimed proprietary rights in its trade mark ACCENTURE, ACCENTURE WITH DEVICE, and ACCENTURE (LABEL) and trade name and formative

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domains bearing the word/mark ACCENTURE on the following averments in gist:

2.1 The Complainant claims that it is a global management consultancy, technology services and outsourcing company (hereinafter referred as "said goods" and/or "business") with its corporate headquarters in Dublin, Ireland. The Complainant claims that it is known as one of the world's largest consulting firms and has expanded its offerings and capitalized on evolving management trends and technologies to benefit its clients. It is further claimed by the complainant that it pioneered systems integration and business integration; led the deployment of enterprise resource planning, customer relationship management and electronic services; and has established itself as a leader in today's global market place. Under its umbrella brand ACCENTURE the Complainant claims to provide expertise and deliver transformational outcomes across more than 40 industries.

2.2 The Complainant claims that its predecessor company was incorporated under the name of Tasedena Limited on May 07, 1998. Thereafter the name of this company was changed from Tasedena Limited to AC European Service Centre Ltd on September 14, 1998. Afterwards AC European Service Centre Ltd. changed its name to Accenture European Service Centre Ltd. on December 28, 2000. Later, on January 1, 2001, Complainant publicly adopted its new name ACCENTURE and was listed on the New York Stock Exchange under the symbol ACN. Subsequently, Accenture European Service Centre Ltd. changed its name to Accenture Global Services Ltd. on July 09, 2010. The copies of the relevant changed Incorporation Certificates of Complainant are attached collectively as **Annexure C- 4** to the Complaint.

2.3 The Complainant also claims that it enjoys widely-known reputation, support and trust amongst the trade and public and that it has offices in more than 200 cities in 56 jurisdictions all over the world, including in India,

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with over 401,000 persons serving its clients worldwide of which 150,000 employees are in India alone. Furthermore, the Complainant claims that its clientele comprises of more than 90 of the Fortune Global 100 companies and more than three quarters of the Fortune Global 500 companies.

2.4 The Complainant claims to own rights in the trade mark ACCENTURE and variations thereof (herein after referred as "the Trademark") in various jurisdictions of the world, including India amounting to more than 1000 registrations and particulars of which registrations/filings have been provided by the Complainant as Annexure C-5 and Annexure C-7 to the Complaint.

2.5 The Complainant claims that its Indian affiliate company Andersen Consulting Services Pvt. Ltd. was incorporated under the Companies Act, 1956 on July 05, 1999, and on December 05, 2000, the name of said affiliate was changed to ACCENTURE SERVICES PVT. LTD. A copy of the incorporation certificate is marked as Annexure C-6 to the Complaint. According to Complainant they have offices located in major cities of India such as Mumbai, New Delhi, Noida, Gurgaon, Bangalore, Chennai, Pune, Hyderabad and Kolkata details of which are provided in Annexure C-9 to the Complaint.

2.6 The Complainant claims to have corresponding websites www.accenture.com and www.accenture.net since the year 2000, wherein the mark ACCENTURE and its variations are prominently displayed and advertised along with the Complainants products and services on these websites. It is claimed by the Complainant that these websites have over 2.2 million unique visitors on each websites, also that they have more than 140 country-specific domain names including but not restricted to www.accenture.in, www.accenture.com.ph, www.accenture.com.au, www.accenture.us, www.accenture.eu. Copy of the WHOIS record of some of the domains of the Complainant are provided and marked as Annexure C-10 (collectively) to the Complaint.

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2.7 The Complainant has also claimed that it has been the focus of various national and international print and electronic media publications, including in India so that the public at large associate the mark ACCENTURE and its variations thereof to the Complainant and Complainant alone. Printouts of the media reports about Accenture and trade mark ACCENTURE are annexed as **Annexure C-11 (Collectively)**.

2.8 The Complainant claims to have annual worldwide revenue generated under the name and trade mark ACCENTURE of 34.9 billion US Dollars (as per the list provided in Complaint). Furthermore the Complainant claims to spend enormous amount on marketing and promotions. Copies of some of few advertisements and promotional material are attached with the Complaint as **Annexure C-12 (Collectively)**.

2.9 The Complainant claims that it has been attained enormous goodwill and that is why it has been praised, ranked and awarded on global platforms and has been mentioned in various books and publications, a list of which has been provided in the complaint and attached therewith as **Annexure C-15 (collectively), Annexure C-16 (collectively), Annexure C-17 (collectively), and Annexure C-18 (collectively)** respectively.

2.10 According to the Complainant the brand Accenture has become very prominent in India through participation and/or sponsorship of the various events, tournaments, workshops and Conferences etc. and has been involved in the helping the society through its CSR initiatives. The Complainant also claims to have more than 547,000 likes on its Facebook page, 410000 followers on twitter, and 43000 followers on Instagram. The copy of printouts of the said social media pages has been attached by the Complainant as **Annexure-22 (Collectively)** to the Complaint.

2.11 It is also claimed by the Complainant that in the past also various defendants tried to obtain the deceptively similar Trademark/Company

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name to ACCENTURE against which the Complainant successfully sort the remedy. Similarly the Complainant claims to take successful actions against the deceptively similar/identical domains using the mark Accenture or similar words before the INDRP and UDNDRP. A list of such transfer of domains via the orders of INDRP, Nixi or UDNDRP, WIPO has been provided by the Complainant as Annexure C-23 (Collectively) and Annexure C-24 (Collectively) to the Complaint.

2.12 The Complainant also claims that its mark ACCENTURE and its variations have acquired such reputation and goodwill that they fall under the meaning of Well-Known Mark under Section 2(zg) of Trade Marks Act, 1999 and Article 6 of Paris Convention.

2.13 According to Complainant, the Respondent is an independent entity and has no association to the Complainant or no authorization from the Complainant to use the mark ACCENTURE and has registered the impugned domain <www.accentures.in> (a top level Indian domain) on July 14, 2017.

2.14 According to Complainant, the Respondent has not been licensed nor any such relationship exists to use the mark ACCENTURE or its variant thereof. According to the Complainant the impugned domain <www.accentures.in> redirects to the official website of the Complainant, i.e. www.accenture.com.

2.15 The Complainant claims to have addressed the Respondent to seek an idea about their intentions/ purpose behind obtaining the impugned domain via an e-mail dated August 24, 2017. The copy of said e-mail has been attached to the Complaint as **Annexure C-26**. The Respondent did not file any response thereto.

2.16 According to the Complainant, the disputed and impugned domain name <www.accentures.in> in the name of the Respondent is in violation of

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the Complainants ACCENTURE trade mark, trade name and domains and its rights thereunder and the goodwill and reputation associated therewith being identical with and confusingly similar thereto and whereby consumer deception is being caused and in which impugned domain the Respondent has no rights or legitimate interest and which impugned domain is in bad faith. The Respondent by its impugned domain name and usage is making illegal pecuniary gains to cash upon the goodwill and reputation associated with the Complainant ACCENTURE trademarks and domains causing loss and injury to the Complainant.

2.17 The Complainant has further alleged the Respondent via its website accessible under the impugned domain is redirecting to the website owned and operated by the Complainant itself. Such an act may give an impression to the public at large that the impugned domain belongs to the Complainant only, thus the Respondent is creating false association with the Complainant.

2.18 The Complainant alleges that via the unauthorized use of the ACCENTURE mark in its impugned domain, the Respondent is causing/ attempting to cause confusion and deception in the minds of the public that Respondent has some connection, association or affiliation with Complainant, when it is not so.

2.19 According to the Complainant the impugned activity of the Respondent including the adoption of mark ACCENTURE and use of the impugned domain is without its leave and license. Such an activity makes it clear that the Respondents have mala-fidely adopted this Domain Name.

2.20 Vide the present Complaint, the Complainant has sought an order that the disputed domain name <www.accentures.in> be either cancelled or the domain name registration is transferred in its name.

2.21 In support of its case the Complainant has filed documents being

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Annexure C-1 to 26 which would be dealt with in so far as they are relevant in the course of this Award.

3. The .IN Registry appointed me as an Arbitrator to adjudicate this Complaint in accordance with the Arbitration and Conciliation Act, 1996; .IN Domain Name Dispute Resolution Policy; Rules of Procedure and/or bye-laws; rules and guidelines made therein and notified the factum thereof to the Complainant through its attorneys and authorized representatives as well as to the Respondent. The .IN Registry appointed me as the sole Arbitrator of this case on June 05, 2018 and served upon me (the Arbitral Tribunal) the physical set of the entire Complaint paper book.

4. Thereafter, I (Arbitral Tribunal) issued a notice to the Respondent vide E-mail dated 07/06/2018 with copy of the Complaint and Annexures/documents filed therewith wherein the Respondent was notified about my appointment as the Arbitrator and was given an opportunity to submit its written response to the Complaint stating its defense with supporting documents within a period of ten(10) days.

4.1 The Respondent did not respond to the said notice.

4.2 Thereafter I issued another notice through e-mail dated 25.06.2018 on the Respondent and gave an opportunity to the Respondent to furnish its response thereon within ten (10) days. In the said notice it was further notified that no further opportunity would be granted and thereafter the Tribunal would proceed to give its Award.

4.3 The Respondent did not file any response thereto.

5. In the aforesaid facts and circumstances and in light of the material on record I now proceed to adjudicate this Complaint.

6. The Trade Mark ACCENTURE (and its variants) is duly registered in India under the Trade Marks Act, 1999 (the Trade Marks Act for short)

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in favour of the Complainant under multiple Trade Mark applications in relation to its said goods and business and which registration is valid, subsisting on the Register. Some such trade mark registrations in India in the name of the Complainant or its affiliates are under No.967046 in Class 09 dated 30/10/2000, No.967047 in Class 16, No.1008458 in Class 09, No.1008459 in Class 16, No.1240311 in Classes 35, 36, 37, 41 & 42, No.2034136 in Class 35. The Complainant has placed on record as **Annexure C-7 and C-8 (Collectively)** the current status reports obtained from the e-records of the Registrar of Trade Marks as well as copy of the Registration Certificate to that effect.

7. The Complainant owns Trade Mark registrations across various overseas countries for various Accenture and Accenture formative trade marks as per the particulars furnished in para 7 of the Complaint and copies of some such registration certificates have been filed as **Annexure C-5 (Collectively)** to the Complaint as also various domains bearing the word/mark ACCENTURE and as per particulars filed as **Annexure C-10 (collectively)**. Some such ACCENTURE formative domains are www.acenture.in duly registered with the sponsoring Registrar with the creation date of 16.02.2005; www.accenture.us duly registered with the sponsoring Registrar with the creation date of 19.04.2002.

8. The Complainant claims to be marketing its products in India since the 1999. The Complainant's company profile/data available as **Annexure C-4 (Collectively)** provides details of the activities and standing of the Complainant..

9. As per the .IN Registry's WHOIS database, filed as **Annexure C-2** by the Complainant, the disputed/impugned domain name www.accentures.in in the name of the Respondent Registrant was registered with the sponsoring Registrar GoDaddy.com LLC (R101-AFIN) with the date of creation of 14.07.2017. This rival domain

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registration is much subsequent to the Complainant's aforesaid noticed Indian Trade Mark registration under No.967046 which is dated 30.10.2000 as per **Annexure C-7 (Collectively)** as well as the Complainant's various (more than 140) country-specific domain names including but not restricted to www.accenture.in, www.accenture.com.ph, www.accenture.com.au, www.accenture.us, www.accenture.eu as noticed above as per **Annexure C-10 (Collectively)**.

10. The Complainant has been assessed by Interbrand Group, a brand valuation and management consultancy organization with more than 30 years of experience in brand management and assessment. According to its list of Best Global Brands for business services the Complainant has world ranking of 37 out of 100 in the year 2017 with brand value of 12,471 m. USD. The Complainant has provided us with the true copies of relevant pages of the report from the year 2002 to 2017 as **Annexure C-13 (Collectively)**. Similarly the Complainant has also been ranked 32 by **Millward Brown Optimor ("MBO")** amongst the top 100 brand rankings. The Complainant have been carrying on advertisement and promotional activities under its trade mark ACCENTURE as also the Complainant and its business with reference to the Trade Mark ACCENTURE has been well written about in various newspapers and new articles. This is apparent from the copies of the articles and advertisement/promotional material filed to the Complaint and **Annexures C-11 (Collectively) and C-12 (Collectively)**.

11. In my considered view the word/mark ACCENTURE is an arbitrary and fanciful Trade Mark in relation to the aforesaid goods and business of the Complainant and has no descriptive suggestive or generic connotation with the Complainant's goods and business and more so in the Indian context where the word/mark ACCENTURE does not form part of the ordinary Indian languages. As such the Trade Mark ACCENTURE and domains bearing the same enjoy inherent distinctiveness in addition to their acquired and factual distinctiveness

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and secondary significance and as such they are strong Trade Marks and domains.

12. The Respondent has not contested the Complainant's rights and use in the Complainant's said ACCENTURE Trade Mark and domains by not filing any response.

13. In light of the aforesaid I am of the considered view that the Complainant has been able to establish that it has been in active business under its said ACCENTURE Trade Marks and domains in the domestic and international market through its Multi-National Offices and over the internet as the Complainant's website have global access. The Complainant's Trade Mark and domains in relation to its said products was already in existence, in vogue and in use in the market enjoying noticeable visibility goodwill and reputation to the knowledge and understanding of the Respondent much prior to the adoption and alleged use of the impugned domain by the Respondent. In fact the Respondent itself has been using the impugned domain just to redirect it to Complainant's website under the domain name www.accenture.com. The Respondent would do so only if the Complainant's ACCENTURE Trade Mark and business thereunder enjoyed goodwill, reputation and standing in the market upon which the Respondent can bring to itself gains and benefits or why else would the Respondent seek registration of the domain www.accentures.in wherein it merely added "s" as a suffix to the Complainant's mark ACCENTURE. Such meager addition to the impugned domain is insignificant and does not provide uniqueness thereto over an above the Complainants ACCENTURE and ACCENTURE formative trade mark and domains. As such it can safely be held that the Complainant's business under its ACCENTURE Trade Marks enjoy commercial visibility, market presence, popularity both in India and overseas and of the market and trade being aware of the Complainant and the Complainant's said business and the

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Complainant's said ACCENTURE Trade Mark. Accordingly, in my considered view the Complainant has been able to establish its rights, entitlements, legitimate claims and interests in its Trade Mark ACCENTURE and ACCENTURE formative marks and domains in relation to its said goods and business.

14. In my considered view the disputed domain name is identical with and deceptively similar to the Complainant's prior and well established www.accenture.com Domain. The word/mark ACCENTURE is an essential dominant and distinguishing feature of the disputed domain name. It is with reference to the word/mark ACCENTURE that the disputed domain name would be remembered or accessed to by an average consumer **[See B.K. Engineering Company Vs. U.B.H.I. Enterprises AIR 1985 Delhi 210 (DB); Kirorimal Kashiram Mktg & Agencies Pvt. Ltd., Vs Shree Sita Chawal Udyog Mill 2010 (44) PTC 293 (Del) (DB); South India Beverages Pvt. Ltd., vs. General Mills Marketing Inc., 2015 (61) PTC 231 (Del) (DB)].**

15. The adoption and use of the disputed domain name by the Respondent is without the leave, license or approval of the Complainant. This is apparent from the fact that prior to the filing of this Complaint, the Complainant had requested the Respondent vide its letter dated 24.08.2017 and as filed as **Annexure C-26** to provide details about its intention behind registering the impugned domain and provide the approvals that have been obtained from Accenture personnel. However there was no response by the Respondent to that e-mail either.

16. There is a close relationship between Trade Marks and Domain Names. "Trade Marks" are source identifiers of goods or service from a particular source and distinguish them from those of others while "Domain Names" are source identifiers of the business of a particular entity. The basic principles of trade mark and passing off laws apply to

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domain name disputes **[Satyam Infoway Ltd. Vs. Sifynet Solutions Pvt. Ltd., 2004 (28) PTC 566 (SC)]**.

17. The right conferred on a trade mark by virtue of its registration or by virtue of its prior user acquired goodwill reputation and distinctiveness encompasses within its fold the right to so use and exploit it as a domain name or part thereof. A domain name use "of a trade mark" in relation to goods or services amounts to the use thereof "as a trade mark" **[Section 2 (2), 27, 28 of the Trade Marks Act]**. This is more so as under the impugned Domain Name and the website triggered thereby there is an offer of services. The Complainant is using the respective domain name in the context of a commercial activity with the view to economic advantage and hence in the course of trade.

18. A Registered trade mark can be infringed by its rival unauthorized use as a part of a domain name ; as also the goodwill, reputation and distinctiveness attached to a trade mark (whether registered or unregistered) can be violated by way of passing off by a rival unauthorized use as a part of domain name. In either case the Trade Mark registration or the goodwill and reputation attached to a trade mark has to be protected against such unauthorized domain name use. **[See Bharti Airtel Limited Vs. Rajiv Kumar-2013 (53) PTC 568(Del); Tata Sons Limited Vs. D. Sharma & Anr.-2011 (47) PTC 65 (Del.); Dr. Reddy's Laboratories Limited Vs. Manu Kosuri & Anr.-2001 PTC 859 (Del); Mars Incorporated Vs. Kumar Krishna Mukherjee & Ors.-2003 (26) PTC 60 (Del)]**.

19. Such rights and specially the rights conferred by Trade Mark registrations under the Trade Marks Act or by priority in adoption and use, goodwill, reputation and distinctiveness have to be protected and upheld even if it is against a rival domain bearing the said trade mark ACCENTURE as inter-alia there is a close relationship between

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trademarks and domain names and as the basic principles of trade mark and passing off laws apply to domain name dispute as well. Trade Mark Registrations have a presumptive validity attached to them and are a presumptive evidence of title in favour of the Registrant/Complainant. The trade mark registrations or common law rights therein or its goodwill or reputation and distinctiveness attached thereto can be violated even against the rival unauthorized use thereof as part of a rival domain name. [See American Home Products Corporation Vs. Mac Laboratories Pvt. Ltd., & Anr. Reported in AIR 1986 SC 137 ; Satyam Infoway Ltd., Vs. Sifynet Solutions Pvt. Ltd., 2004 (28) PTC 566 (SC) ; Bharti Airtel Limited Vs. Rajiv Kumar-2013 (53) PTC 568 (Del) ; B.K. Engineering Co. Vs. U.B.H.I. Enterprises reported in AIR 1985 Delhi 210 ; LT Foods Limited Vs. Sulson Overseas Pvt. Ltd., 2012 (51) PTC 283 (Del)].

20. A consumer or internet user seeking to access the Complainant or its services by erroneously or inadvertently suffixing the alphabet "S" in the domain www.accenture.in would be misled to through the Respondents domain as currently it is used by the Respondent for redirecting to the Complainants website without any notice of re-direction. Consequently public at large would be deceived into believing any association and relation with the Complainant. Such mala-fide intention of the Respondents is also visible from their name "Accenture Accenture".

21. In my considered view currently the impugned domain is merely redirecting the traffic/visitors to the website belonging to the Complainant. Such an activity is inspired by malafide of leading the public at large into a false belief of the impugned domain to be related to the Complainant. Besides, the Complainant would have no hold on the Respondent's disputed domain name usage in future and would always suffer by the transfer of traffic to the other website once it stops

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redirecting to the Complainants original website. Also, since the Respondent's domain is using the trademark of the Complainant, the Complainant's goodwill and reputation would be left in the hands of the Respondent or a third party over whom the Complainant would have no control. **[See Baker Hughes Limited Vs Hiroo Khushalani 1998 (18) PTC 580 (Del)].**

22. All these violative acts of the Respondent through the disputed domain would perpetually and irreparably not only tarnish the business of the Complainant but also dilute diminish, erode and eclipse the goodwill, reputation and distinctiveness attached to the Complainant's registered and prior adopted and prior in use trade mark ACCENTURE and its official domains. Not only that even the consumers would suffer as they would not get what they expected and instead would be deceived. Consumer deception and loss and injury being caused to the Complainant as well as to the consuming public is inevitable.

23. Even if it was to be taken for the sake of argument that the Respondent is not using the impugned domain for any personal use and is redirecting to the Complainant's official website via the impugned domain <www.accentures.in> using the ACCENTURE Trade Mark without procuring the Complainant's authorization, the Respondent cannot in any manner use the Complainant's ACCENTURE Trade Mark/Domain by itself or part of its domain name to create any mental image in the minds of the market and trade suggesting itself (Respondent) or its said business to be of the Complainant or to be associated, sponsored, affiliated or in some way connected with the Complainant or of some relationship to exist between it (the Respondent) and the Complainant and more so as the Respondent's impugned domain and usage thereunder is without the leave, license and permission of the Complainant.

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24. Thus having regard to the identical nature of the impugned domain name to the trade mark/domain ACCENTURE and of the goods and business there under the market and trade would definitely take and construe the disputed domain to be an extension or part of the Complainant's domains or in some way related, sponsored, affiliated, associated or connected thereto. Consequently, by the disputed domain and its use whether present or prospective an unjust association would be formed between the Complainant and the Respondent leading to market and consumer deception amounting to mis-representation whereby loss and injury would be and/or potentially can be caused to the Complainant. **[See Montari Overseas Ltd., Vs. Montari Industries Ltd., 1996 (16) PTC 142 Del (DB) ; Ravenhead Brick Company Ltd., Vs. Ruaborn Brick & Tera Cotta Co. Ltd., (1937) 54 RPC 341 (Ch.D) ; Semigres TM (1979) RPC 330].** The Complainant would have no hold over the Respondent or on the nature of the services being offered by the Respondent and would always suffer by any inferior quality services being offered by the Respondent even if pertaining to the genuine products of the Complainant. The Complainant's goodwill and reputation would be at the mercy of the Respondent.

25. All the aforesaid acts of the Respondent in my considered view clearly establish the Respondent's very adoption of the disputed domain name and its registration with the sponsoring Registrar to be actuated in bad faith, malafide and fraud and of the Respondent to have no legitimate rights and interest in the disputed domain name. This in addition also apparent from the following:-

(a) The Respondent has not furnished any explanation on its adoption of an identical, prior adopted Trade Mark and domain ACCENTURE belonging to the Complainant. This is more so as the Complaint's said ACCENTURE Trade Mark is duly registered under the Trade Marks Act in India as also registered in various overseas

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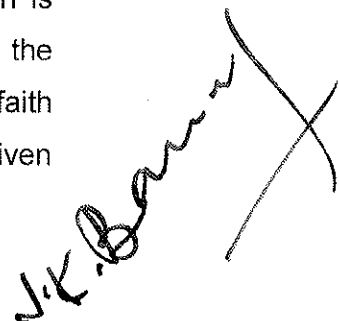
countries. The Complainant's said ACCENTURE Trade Mark/Domain Name are arbitrary and fanciful Trade Marks in relation to the nature of goods and services been dealt with in the course of trade by the Complainant enjoying noticeable goodwill and reputation with the Complainant and they are all prior to the Respondent's impugned domain.

(b) The Respondent was well aware of and ought to be well aware of the Complainant's said ACCENTURE Trade Mark and domain name rights before its alleged adoption and registration with the sponsoring Registrar of the disputed domain in as much as the Respondent itself has also adopted the company name as "ACCENTURE ACCENTURE".

(c) The bad faith of the Respondent is also apparent from the fact that the Respondent did not respond to the Complainant's request vide letter dated 24.08.2017 as per ANNEXURE C-26 filed with the Complaint to reveal its intention/purpose for adopting the impugned domain. Even in the present Complaint proceedings the Respondent did not respond or even made representation.

(d) The disputed domain of the Respondent is nothing else but a redirecting link to the Complainant's official website and such a usage can potentially be adversely related by the market, trade and public at large to the Complainant, the Complainant's business and trade marks and who would thereby be dissuaded from dealing with the Complainant or its products causing irreparable loss to the Complainant and its standing including to the Complainant's ACCENTURE Trade Mark/Domain.

26. As the Respondent's very adoption of the impugned domain is tainted at inception the Respondent must be held to be aware of the consequences which would ensue from such a malafide and bad faith adoption and/or use and as such its impugned adoption cannot be given



any credence. **[see Hindustan Pencils Pvt.Ltd., Vs. India Stationery Products 1989 PTC 61 (Del)]**

27. In my considered view the Complainant has discharged its onus/burden of proof and has established its proprietary and enforceable rights in its trade mark/domains ACCENTURE and which have been violated by the impugned domain. The Respondent has neither traversed nor challenged the Complaint facts against it. Such a non-traverse has to be taken against the Respondent **[Uttam Singh Dugal & Company Limited V/s Union Bank of India & Ors – reported in AIR 2000 SC 2740]**.

28. Trade Marks, trade names and domains have been accepted to be valuable business assets to be protected against their wrongful adoption and use as rival domains and such violations have to be removed in the interest of the right holder and consumers swiftly and effectively.

29. I have no reservation in holding that the Complaint must be allowed.

Accordingly it is decided that the disputed domain name www.accentures.in be transferred to the Complainant.

Signed at New Delhi, India on this 13th day of July, 2018.


Sudarshan Kumar Bansal
Sole Arbitrator