Decision for dispute CAC-UDRP-100573

Case number	CAC-UDRP-100573
Time of filing	2013-03-14 10:30:34
Domain names	ARCELORMMITTAL.COM

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ArcelorMittal SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	David Albert

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other proceedings pending.

IDENTIFICATION OF RIGHTS

Complainant is inter alia the owner of
- International Trademark Registration No. 947686 ArcelorMittal of August 3, 2007 covering goods in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42
- US Trademark Registration No. 3643643 ArcelorMittal filed on August 3 2007 and registered on June 23, 2009 covering goods in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42

Complainant owns the domain names arcelor.com, arcelor.net, arcelormittal.net, arcelormittal.info, arcelormittal.org, arcelormittal.biz, arcelormittal.us, arcelormittal.com.au.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

Complainant is a company specialized in steel producing in the world.
Complainant is the largest steel producing company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging with operations in more than 60 countries. It holds sizeable captive

supplies of raw materials and operates extensive distribution networks.
In 2011 the CNN Fortune Global 500 World's Biggest Companies ranked the Complainant on the 74th position in the world.

Please see:
WIPO N°D2012-0744 Riot Games, Inc. v. Maik Baumgartner
WIPO N°D2011-0060 Allstate Insurance Company v. Anunet Pvt Ltd.
WIPO N°D2011-0830 Geoffrey, LLC v. Toys R Russ and Days of '49

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark or service mark in which the complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant has established its rights in the trademark ARCELORMITTAL.

The Domain Name in question is confusingly similar with the ARCELORMITTAL trademark. The addition of the letter M and the gTLD .com are insufficient to distinguish the domain name from Complainant's trademark. It corresponds to a misspelling of Complainant's trademark and appears to correspond to the practice known as typosquatting.

The Panel therefore considers the Domain Name in question to be confusingly similar to the trademarks ARCELOR MITTAL in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

The Respondent has no rights in the domain name since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks. A non commercial or fair use is not noticeable. Additionally, the Respondent has not used the domain name in connection with a bona fide offering of goods and services. The Respondent appears to have used the disputed domain name for email address to mislead Internet users making them believe he is a manager of Complainant.

The Panel therefore finds that Respondent does not have rights or legitimate interests in the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

The use of the Domain Name by the Respondent shows he was aware of Complainant's trademark. There appears to be no

other explanation for the registration of the domain name than to trade off the goodwill associated with the Complainant's ARCELORMITTAL trade marks.

Respondent also uses the domain name for an email address with which he wrongly presents himself to Internet users as manager of the Complainant. Such a behaviour shows the Respondent's bad faith.

By not filing a Response, the Respondent has chosen not to contest the Complainant's submission that the Domain Name corresponds to a case of typosquatting and is used for commercial gain by taking advantage of the confusion created among customers and suppliers of Complainant.

On the basis of the uncontested evidence submitted by the Complainant, it appears that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the web site.

The Panel therefore finds that Respondent has registered and is using the Domain Name in bad faith in accordance with paragraph 4(a)(ii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **ARCELORMMITTAL.COM**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2013-04-25

Publish the Decision