Decision for dispute CAC-UDRP-100689

Case number	**CAC-UDRP-100689**
Time of filing	**2013-10-22 15:59:31**
Domain names	**arcellormital.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**ARCELORMITTAL**

Complainant representative

Organization	**Nameshield (Laurent Becker)**

Respondent

Name	**desmond smith**

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

The Complainant uses the domain name “arcelormittal.com” which is connected to the official web site of the Complainant, and its Company name (registered in Luxembourg on June 21, 2001).

The Complainant is the owner of trademarks for the names “ARCELOR” (international trademark registration n. 778212 “ARCELOR”, in classes 1, 6, 7, 9, 12, 37, 40 and 42, priority August 31, 2001), and “ArcelorMittal” (international trademark registration n. 947686 “ArcelorMittal”, in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42, priority May 25, 2007).

The Complainant also owns several domain names, including : arcelor-mittal.biz, arcelor-mittal.com, arcelor-mittal.info, arcelor-mittal.jobs, arcelor-mittal.mobi, arcelor-mittal.net, arcelor-mittal.org, arcelor-mittal.pro, arcelor-mittal.tel, arcelor-mittal.tv, arcelormittal.asia, arcelormittal.biz, arcelormittal.com, arcelormittal.jobs, arcelormittal.mobi, arcelormittal.net, arcelormittal.org, arcelormittal.pro, arcelormittal.tel.

FACTUAL BACKGROUND

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

The Complainant, ARCELOR MITTAL SA (www.arcelormittal.com) is a company with its legal seat in Luxembourg, Grand Duchy of Luxembourg.

The 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.

The Complainant owns several trademarks including the distinctive wordings ARCELOR® and MITTAL®.

The Complainant also owns several domain names, including the same distinctive wordings.

The Respondent registered the domain name “arcellormital.com” on August 30, 2013.

The Complainant states that the disputed domain name “arcellormital.com” is confusingly similar to its trademarks and branded goods ARCELORMITTAL®.

Furthermore, the Respondent - who is not affiliated with the Complainant - uses and redirects the domain name “arcellormital.com” to the Complainant’s website “arcelormittal.com”, pretending to be the Complainant and sending fake interview offer letters. The Complainant states that the Respondent has intentionally attempted to attract, for commercial gain, internet users, by creating a likelihood of confusion with the Complainant’s mark (“phishing”).

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 Panel finds that the disputed domain name “arcellormital.com” is confusingly similar to the Complainant’s trademarks.

The Complainant contends that the Respondent has made no use of the disputed domain name for a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the disputed domain names, and is not commonly known under the disputed domain names.

The Panel notes that the domain name holder’s name or contact details contain no reference to ARCELOR or ARCELORMITTAL or even ARCELLORMITAL, or similar word or name.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of “arcellormital.com”.

The Complainant also proved that the Respondent has engaged in a pattern of conduct regarding bad faith domain name registration and use of domain name.

These facts, including the absence of a Response and pattern of conduct on the part of Respondent also confirm that the domain name has been registered with full knowledge of the Complainant’s marks in order to use it for the purpose of misleading and diverting internet traffic, which is a proof of the bad faith of the Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELLORMITAL.COM**: Transferred

PANELLISTS

Name	**Mr. Etienne Wéry**

DATE OF PANEL DECISION 2013-11-29

Publish the Decision