Decision for dispute CAC-UDRP-100906

Case number	CAC-UDRP-100906
Time of filing	2014-12-30 13:13:53
Domain names	ARCELORMITTALGROUP-LTD.COM

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Erico J. Fernandez

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending or decided legal proceedings related to the disputed domain name.

IDENTIFICATION OF RIGHTS

Complainant has provided evidence of International Registration No. 947686 for "ARCELORMITTAL", registered on 3 August 2007.

FACTUAL BACKGROUND

The Complainant filed a complaint regarding the domain name <arcelormittalgroup-ltd.com> (the "disputed domain name") on 24 December 2014. The domain name was registered by the Respondent as confirmed by the Registrar Verification communication.

According to the Complaint, the Complainant is the largest steel producing company in the world and owner of the trademark ARCELORMITTAL. The Complainant contends that the disputed domain name is confusingly similar to the trademark and that the addition of terms such as "group" or "ltd" does not alter this conclusion. Further, the Complainant contends that the Respondent has not shown any rights or legitimate interest to the domain name, and that the disputed domain name, even if it is not currently in use, was registered and is being used in bad faith.

The Complainant produces abundant precedents supporting its contentions and reflecting prior cases of cybersquatting in

connection with the ARCELORMITTAL trademark.

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

1. The Panel finds that the disputed domain name ARCELORMITTALGROUP-LTD.COM is confusingly similar to the Complainant’s earlier trade mark "ARCELORMITTAL". Sufficient evidence has been submitted by the Complainant proving that it owns trademark rights to ARCELORMITTAL in several countries. The disputed domain name is confusingly similar to the Complainant’s registered trademarks since it incorporates the Complainant’s mark “ARCELORMITTAL”, merely (i) adding common terms “GROUP” and "-LTD" as well as the generic top level domain identifier “.com” at the end. The addition of such terms does not dispel the confusing similarity between the disputed domain name and the Complainant’s trademark.

2. 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). The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use its trademark. The Respondent is not known by the disputed domain name, nor has the Respondent acquired any trademark rights in respect of the domain name. The Respondent has not submitted evidence of any use of the disputed domain name in connection with a bona fide offering of goods or services. There appears to be no other basis on which the Respondent could claim any rights or legitimate interests to the disputed domain name.

In the absence 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 the disputed domain name.

3. Given the distinctiveness of the Complainant's trademark, the Respondent was most likely aware of the existence of the "ARCELORMITTAL" mark when registering the disputed domain name. Only someone who was familiar with the Complainant’s marks and its activity would have registered the domain name with the addition of common terms.

According to WIPO Case No. 2000-0003 ("Telstra Corporation Limited v. Nuclear Marshmallows"), an indication of bad faith registration and use may be inferred in cases of inactive domain names (passive holding) if particular circumstances are present. The Panel finds that, in this particular case, the following circumstances are present:

(i) the Complainant’s trademark is widely known,
(ii) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed

domain name, and
(iii) taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate.

Based on those circumstances, the Panel finds that the Respondent registered and is using the domain name in bad faith in accordance with paragraph 4(a)(iii) .

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALGROUP-LTD.COM**: Transferred

PANELLISTS

Name	**Jose Checa**

DATE OF PANEL DECISION 2015-02-09

Publish the Decision