# Decision for dispute CAC-UDRP-101086

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| Case number | CAC-UDRP-101086 |
| Time of filing | 2015-09-29 12:32:12 |
| Domain names | arcelormittalco.com |

## Case administrator

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| Name | Lada Válková (Case admin) |

## Complainant

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| Organization | ArcelorMittal S.A. |

## Complainant representative

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| Organization | Nameshield (Anne Morin) |

## Respondent

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| Organization | Thomas Harrel - Arcelor Mittal |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

Complainant is the owner of the international trademark nr. 947686 ARCELORMITTAL registered on 3 August 2007.

FACTUAL BACKGROUND

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

According to the evidence submitted by Complainant, Complainant is the largest steel producing company in the world.

The disputed domain name <arcelormittalco.com> was registered on 9 September 2015.
According to the information provided by Complainant there is no website to which the disputed domain name resolves.
However, according to evidence provided by Complainant the disputed domain name is being used by Respondent for purposes of phishing in order to get control of the website of Complainant.
The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.
According to Complainant the disputed domain name is confusingly similar to Complainant's trademark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name and Respondent is

not related in any way with the business of Complainant.

According to Complainant the disputed domain name is registered and is being used in bad faith. Given the distinctiveness of Complainant's trademark and its reputation, it is reasonable to infer that Respondent has registered the disputed domain name with full knowledge of Complainant's trademarks.

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant’s trademark where the disputed domain name incorporates the complainant’s trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of a trademark registration for ARCELORMITTAL. The disputed domain name incorporates the entirety of the well-known ARCELORMITTAL trademark as its distinctive element. The addition of the descriptive word “co” in the disputed domain name is insufficient to avoid a finding of confusing similarity as the ARCELORMITTAL trademark remains the dominant component of the disputed domain name.
The Panel notes that Complainant’s registration of its trademarks predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent.
Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the ARCELOR trademark. Respondent knew or should have known that the disputed domain name included Complainant’s well-known mark. The Panel notes that the disputed domain name was being used for phishing purposes. The Panel further notes that the disputed domain name incorporates Complainant’s well-known trademark in its entirety with a minor addition which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the

intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALCO.COM**: Transferred

## PANELLISTS

| Name | **Dinant T.L. Oosterbaan** |
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DATE OF PANEL DECISION 2015-10-27

Publish the Decision