Decision for dispute CAC-UDRP-101197

Case number	CAC-UDRP-101197
Time of filing	2016-03-30 11:00:41
Domain names	arcelormittaljob.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	Domain eRegistration

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark n°947686 ARCELORMITTAL® registered on August 3, 2007.

The disputed domain name was registered on February 1, 2016, i.e. the Complainant's trademark predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

The Complainant states that the disputed domain name <arcelormittaljob.com> is confusingly similar to its international trademark ARCELORMITTAL®. Indeed, the trademark is incorporated in its entirety in the disputed domain name. The Complainant states that “The addition of the generic term ’job’ (which means employment) is not sufficient to escape the finding that the domain name <arcelormittaljob.com> is confusingly similar to the trademark ARCELORMITTAL® and its domain names.”

The Complainant contends that the Respondent is not related in any way with the Complainant, and that the latest does not

carry out any activity for, nor has any business with the Respondent. The Complainant emphasizes that “neither licence nor authorization has been granted to the Respondent to make any use of the trademark ARCELORMITTAL®, or apply for registration of the disputed domain name by the Complainant.”

The Complainants also contends that the website in relation with the disputed domain name <arcelormittaljob.com> has been inactive since its registration and that “this information confirms that the Respondent has no demonstrable plan to use the disputed domain names, and is using the disputed domain name only to divert business away from the Complainants.”

The Complainant asserts that Respondent has registered the disputed domain name in order to prevent the Complainant from reflecting the trademark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct.

Eventually, the Complainant underlines that the domain name(s) has been registered and is being used in bad faith because of the following facts/pattern of conduct:

a. Registration of a well-known/famous trade mark;
b. Use of privacy or proxy registration services;
c. No response to cease and desist letter;
d. Blocking registration;
e. Inactive website.

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 domain name at stake is <ARCELORMITTALJOB.com>. The trademark of the complainant is ARCELORMITTAL. The only difference between the two is the word "JOB". The word “JOB” refers directly to the economic activity of the complainant as an employer. This is a typical case of trademark combined with a generic term where the trademark remains the dominant element.

The Complainant claims that it has no link with the Respondent. Since the Respondent has decided to remain silent, the panel shall take the absence of relationship as a non-contested fact. Because of the fact that ArcelorMittal is a very-well known company/trademark, and due to the absence of relationship between the Respondent and the Complainant as well as the fact that there is no evidence on record that the Respondent is known under the name ArcelorMittal, the Panel takes the

view that the domain name has been registered without legitimate rights or interests, i.e. the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests.

Due to the fact that ArcelorMittal is a well-known group active in the metal industry, it is highly unlikely that the Respondent was not aware of the existence of ArcelorMittal. The choice of the term ”JOB” is another confirmation thereof: the purpose of the Respondent was most probably to attract online traffic with people willing to work for ArcelorMittal. Furthermore, given the distinctiveness of the Complainant's trademark and reputation, the Panel considers that it is impossible to imagine any plausible future active use of the disputed domain Name by the Respondent that would be legitimate and not infringing the Complainant’s well-known mark or unfair competition.

In addition, the website is still under construction and the Respondent has not provided the Panel with any element to show that it is preparing an active website to start of good faith online activity.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALJOB.COM**: Transferred

PANELLISTS

Name	**Mr. Etienne Wéry**

DATE OF PANEL DECISION 2016-05-06

Publish the Decision