# Decision for dispute CAC-UDRP-101549

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| Case number | CAC-UDRP-101549 |
| Time of filing | 2017-05-24 10:18:14 |
| Domain names | arcerlormittal.com |

## Case administrator

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| Name | Aneta Jelenová (Case admin) |

## Complainant

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| Organization | ArcelorMittal (Société Anonyme) |

## Complainant representative

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| Organization | Nameshield (Anne Morin) |

## Respondent

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| Organization | Milen Radumilo |

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several national, Community and International trademarks on "ARCELOR MITTAL" denomination, and has proved to be well-known in the wordlwide steel industry also with reference to information accessible on its domain name www.arcelormittal.com.

FACTUAL BACKGROUND

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

The Complainant is one of 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, operating extensive distribution networks.

ARCELOR MITTAL trademarks are registered worldwide well before respondent registration of the disputed domain on April 30th, 2016.

The Complainant claims this to be a clear cut cases of Typosquatting as affirmed in the previous similar cases: WIPO -

D2016-1853 - Arcelormittal S.A. v. Cees Willemsen - <arclormittal.com> and <arelormittal.com>; CAC - 101265 - ARCELORMITTAL v. Fetty wap LLc Inc - <arcelormitals.com>; CAC - 101267 - ARCELORMITTAL v. davd anamo - <arcelormiltal.com>.

The Complainant submitted arguments with regard to the Respondent lack of legitimate use in the disputed domain name confusingly similar to its trademark rights, including the fact that the Respondent:
- is not affiliated with him nor authorized by him in any way to use the trademark ARCELORMITTAL®;
- does not carry out any activity for, nor has any business with the Respondent;
- has no rights or legitimate interests in respect of the domain name and that he is not related in any way to the Complainant's business-
- the disputed domain name <arcerlormittal.com> is enlisted for sale on the SEDO platform and is also used in a parking page out of any of conditions established for a fair use, as per WIPO Case No. D2007-0267, Express Scripts, Inc. v. Windgather Investments Ltd. / Mr. Cartwright.

The Complainant makes direct reference to several UDRP cases confirming the above circumstances established strong arguments with regards of the lack of "bona fide offering of goods", as WIPO - D2001-0601 - Raymond Weil SA v. Watchesplanet (M) Sdn Bhd.

With regards to the bad faith requirement, the Complainant contends that the addition of the letter "R" is not sufficient to escape the finding that the domain name is confusingly similar to the trademark and branded goods ARCELORMITTAL®. Numerous panels have confirmed that the use of misspellings in domain names also indicates bad faith registration. Using misspellings of domain names in order to trick individuals into viewing unrelated advertisement or websites targeting famous trademarks is evidence of bad faith use of a domain name, aimed at generating Internet traffic and advertising revenue. The Complainant cited the following cases: WIPO - D2012-0744 - Riot Games, Inc. v. Maik Baumgartner; WIPO - D2011-0060 -Allstate Insurance Company v. Anunet Pvt Ltd; WIPO - 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 disputed 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 disputed 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 disputed 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 Policy were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel accepts all arguments provided by the Complainant as confirmed in all cited prior UDRP cases and considers this to be a clear case of typosquatting also according to the new WIPO Jurisprudential Overview 3.0. (§1.9) The dispute domain name is an "obvious" and "intentional misspelling of a trademark". Such an use of a trademark (altered through the use of

adjacent keyboard letters) is in itself a confirmation that the disputed domain name was elected to confuse users seeking or expecting the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCERLORMITTAL.COM**: Transferred

## PANELLISTS

| Name | **Roberto Manno** |
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DATE OF PANEL DECISION 2017-07-03

Publish the Decision