Decision for dispute CAC-UDRP-101569

Case number	CAC-UDRP-101569
Time of filing	2017-06-15 09:03:16
Domain names	aperram.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	APERAM

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Tom Fellows

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending proceedings which relate to the Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademark registrations for APERAM including:

international registration number 1083497 for "APERAM", registered on June 6, 2011 and international registration number 1097502 for "aperam", registered on August 17, 2011.

FACTUAL BACKGROUND

The Complainant is a global competitor in stainless steel market, with 2.5mt of flat stainless steel capacity in Europe and Brazil. The Complainant is also a leading producer of high value-added specialty products, including electrical steel and nickel alloys.

The production capacity is concentrated in six production facilities located in Brazil, Belgium and France. APERAM is unique in its capability to produce stainless and specialty steels from low cost biomass/charcoal.

The Complainant also benefits from a highly integrated network of 14 Steel Service Centers ("SSCs"), 8 transformation facilities and 20 sales offices.

The Domain Name <aperram.com> was registered on June 1, 2017 by the Respondent “Tom Fellows”.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:
The Complainant claims that the Domain Name is confusingly similar to the Complainant’s “APERAM” registered trademark; that the Respondent has no rights or legitimate interests whatsoever with respect to the Domain Name; and that the Respondent registered and is using the Domain Name in bad faith.

Specifically the Complainant claims that:

The Domain Name <aperram.com> is confusingly similar to its trademark APERAM, owing to the fact that the doubling of the letter “R” is not sufficient to escape the conclusion that the Domain Name is confusingly similar to the trademark APERAM, and on the contrary, it should be considered as a typo-squatting case.

The Domain Name <aperram.com> was registered only for the purpose of creating fraudulent e-mail addresses such as <sandeep.jalan@aperram.com> in order to usurp the Complainant's identity, by sending fraudulent emails and thus creating a likelihood of confusion.

In fact, the Complainant has documented that at least one email, with a subject line of “Request”, has been sent from the address <sandeep.jalan@aperram.com>, attempting to result in undue payments.

The website associated with the Domain Name <aperram.com> has been a registrar parking page with pay-per-click links since the time of its registration.

RESPONDENT:

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

A) Confusingly similarity

The Complainant contends that the Domain Name <aperram.com> is confusingly similar to the Complainant's international trademark “APERAM”.

The Panel agrees with the Complainant's assertion that the doubling of the letter “R” is not sufficient to escape the conclusion that the Domain Name is confusingly similar to the trademark APERAM; on the contrary, this is considered to be a typo-squatting case.

B) Lack of legitimate rights or interests

The Domain Name at issue is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the Domain Name without having the Complainant in mind. The Complainant’s assertions that the Respondent is not commonly known by the Domain Name and is neither affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights on or legitimate interest in the Domain Name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show using concrete evidence that it does have rights on or legitimate interests in that name. The Respondent has made no attempt to do so. Furthermore, the Domain Name has been associated with a registrar parking page with pay-per-click links since the time of its registration, i.e. June 1st, 2017.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Domain Name.

C) Registered or Used in Bad Faith

The Complainant gives some sound bases for its contention that the Domain Name was registered in bad faith and that it has been used in bad faith.

Firstly, the Panel accepts the Complainant’s unchallenged assertion that the Domain Name <aperram.com> was registered with the purpose of creating fraudulent e-mail addresses such as <sandeep.jalan@aperram.com> in order to usurp the Complainant's identity, by sending fraudulent emails and thus creating a likelihood of confusion.

Secondly, the Domain Name <aperram.com> appears to be a typo of the Complainant's trademark APERAM. Numerous panels have confirmed that the use of misspellings in domain names is also a factor indicating bad faith registration. Using misspellings of domain names in order to trick individuals into viewing unrelated advertisements or websites is thus evidence of bad faith use of a domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **APERRAM.COM**: Transferred

PANELLISTS

Name	**Dr. Fabrizio Bedarida**

DATE OF PANEL DECISION 2017-07-24

Publish the Decision