Decision for dispute CAC-UDRP-101669

Case number	CAC-UDRP-101669
Time of filing	2017-09-06 11:00:01
Domain names	arcelorrnittal.com

Case administrator

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

Complainant

Organization	ArcelorMittal (Société Anonyme)

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Nicholas Lapez

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of international trade mark no 947686 ARCELORMITTAL registered on August 03, 2007 in Classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 with priority June 18, 2005.

FACTUAL BACKGROUND

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

The Complainant specialises in and uses its international trade mark no 947686 ARCELORMITTAL for its steel production services.

The disputed domain name registered in 2017 is attached to a parking page and has not been used for an active web site since its registration.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant assert the following:

- “The disputed domain name is confusingly similar to the Complainant's mark. Simply replacing the letter 'M' with the letters 'R' and 'N' is not sufficient to distinguish the disputed domain name from the Complainant's mark. The gTLD .com does not change the overall impression of the disputed domain name and it is still confusingly similar to the Complainant's mark. “

- “The Respondent has no relationship with the Complainant's business and has not been authorised by the Complainant to use the Complainant's mark. The Domain Name has not been put to any use and this cannot be a bona fide offering of goods or services. The Respondent has no rights or legitimate interests in the disputed domain name. “

- “The disputed domain name is attached to a parking page and has not been used for an active web site since its registration. Typosquatting and passive holding of a domain name containing a famous mark is bad faith. “

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 were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel agrees with the Complainant that replacing the letter 'M' with the letters 'R' and 'N' in the disputed domain name is not sufficient to distinguish the disputed domain name from the Complainant's mark and looks extremely similar to the Complainant's mark to the eye. The addition of the gTLD .com is a functional element of a domain name and does not distinguish the disputed domain name from the Complainant's mark under the Policy. The Panel finds that the disputed domain name is confusingly similar to the Complainant's mark.

The Respondent does not appear to be commonly known by the disputed domain name or 'arccelornnittal'. The respondent does not appear to have any relationship with the Complainant' and has not been authorised by the Complainant to use the Complainant's mark. The disputed domain name has not been put to any use and this cannot be a bona fide offering of goods or services. In the light of the lack of any response from the Respondent the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name is attached to a parking page and does not appear to have been used for an active web site since its registration. While it is a recent registration from 2017, it is also a clear example of typosquatting. Typosquatting in itself can be bad faith. Passive holding of a domain name containing a famous mark is bad faith and the Respondent has not responded to refute the allegation that this is passive holding albeit for a short period of time. Accordingly the Panel holds that the disputed domain name has been registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORRNITTAL.COM**: Transferred

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2017-09-27

Publish the Decision