Decision for dispute CAC-UDRP-101668

Case number	CAC-UDRP-101668
Time of filing	2017-09-06 11:01:29
Domain names	arcelonmittall.com

Case administrator

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

Complainant

Organization	ArcelorMittal (Société Anonyme)

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Cash Dinero

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns International trademark with registration number 947686 ARCELORMITTAL, registered on 3 August 2007 (the "Trademark").

FACTUAL BACKGROUND

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

1. The Complainant is the 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. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

2. The Respondent is the registrant of the disputed domain name which was registered on 16 August 2017.

3. The Complainant states that the disputed domain name <arcelonmittall.com> is confusingly similar to its trademark ARCELORMITTAL®

4. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. He has no relationship with the Complainant's business and is not authorized or licensed to use the trademark ARCELORMITTAL®. Furthermore, the Complainant contents that the website in connexion with the disputed domain name <arcelonmittall.com> is inactive since its registration and Respondent has registered the disputed domain name <arcelonmittall.com> with the sole aim to prevent the Complainant to register it.

5. The Complainant contends that the Respondent has registered the disputed domain name <arcelonmittall.com> and is using it in bad faith since the Respondent is making passive holding of the domain name and at the same time deprive the trademark owner of reflecting its own mark in the domain name. This can be considered has passive retention.

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

PRINCIPAL REASONS FOR THE DECISION

1. The differences between the Trademark and the disputed domain name exist of the replacement of the second letter "R" by an "N" and the addition of the letter "L" at the end of the disputed domain name. The Panel finds that the disputed domain name is confusingly similar to the Trademark as such differences are insignificant to the overall impression.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Trademark in mind when registering the disputed domain name, which was therefore registered and is being (passively) used in bad faith, in order to take advantage of slight misspellings of the Trademark, which constitutes a clear act of typo squatting.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELONMITTALL.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2017-10-16

Publish the Decision