Decision for dispute CAC-UDRP-101715

Case number	CAC-UDRP-101715
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Domain names	arcelormittla.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	ArcelorMittal

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	div james

OTHER LEGAL PROCEEDINGS

There is no information about other legal proceedings the Panel is aware of which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

ARCELORMITTAL S.A. (the Complainant) is a company specialized in steel producing in the world (please see their website at: arcelormittal.com).

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.

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

Complainant also owns an important domain names portfolio, including the same distinctive wording ARCELORMITTAL®, such as the domain name <arcelormittal.com> registered and used since January 27th of 2006.

The disputed domain name <arcelormittla.com> was registered on September 21th, 2017.

FACTUAL BACKGROUND

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

Previous panels have found that the slight spelling variations does not prevent a disputed domain name from being confusing similar to the complainant's trademark. Please see prior UDRP case:
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>.

WIPO case No. D2000-1164, Boeing Co. v. Bressi: the Panel stated that the "Respondent has advanced no basis on which the Panel could conclude that it has a right or legitimate interest in the domain names";

NAF case no. FA 157321 Computerized Sec. Sys., Inc. v. Hu: finding that the respondent engaged in typosquatting, which is evidence of bad faith registration and use under Policy ¶ 4(a)(iii)).

As prior WIPO UDRP panels have held, the incorporation of a famous trademark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use. Please see for instance:
- WIPO - D2000-0003 - Telstra Corporation Limited v. Nuclear Marshmallows;
- WIPO - D2000-0400 - CBS Broadcasting, Inc. v. Dennis Toeppen.

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

The disputed domain name is confusingly similar to the the mark which Complainant has rights.

Complainant must first make a prima facie case that Respondent lacks rights and legitimate interests in the disputed domain name under Policy 4(a)(ii), and then the burden shifts to Respondent to show it does have rights or legitimate interests. See Hanna-Barbera Prods., Inc. v. Entm't Commentaries, FA 741828 (FORUM Aug. 18, 2006) (holding that the complainant must first make a prima facie case that the respondent lacks rights and legitimate interests in the disputed domain name under UDRP 4(a)(ii) before the burden shifts to the respondent to show that it does have rights or legitimate interests in a domain name); see also AOL LLC v. Gerberg, FA 780200 (FORUM Sept. 25, 2006) ("Complainant must first make a prima facie showing that Respondent does not have rights or legitimate interest in the subject domain names, which burden is light. If Complainant satisfies its burden, then the burden shifts to Respondent to show that it does have rights or legitimate interests in the subject domain names.").

Complainant contends Respondent has no rights or legitimate interests in the disputed domain name. He has no relationship with Complainant's business and is not authorized or licensed to use the trademark ARCELORMITTAL®.

Furthermore, the website in connexion with the disputed domain name <arcelormittla.com> displays an inactive page since its registration.

It is established that a domain name holder has no legitimate interest in the absence of credible evidence of use or demonstrable preparation of use of the domain name in connection with a bona fide offer products or services. It demonstrates a lack of legitimate interests in respect of the domain names. Please see for instance:
- WIPO case No. D2000-1164, Boeing Co. v. Bressi: the Panel stated that the “Respondent has advanced no basis on which the Panel could conclude that it has a right or legitimate interest in the domain names”;

Thus, in accordance with the foregoing, Complainant contends that Respondent has no right or legitimate interest in respect of the disputed domain name <arcelormittla.com>.

The Panel finds that Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against Respondent. As Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain names.

Furthermore, the disputed domain name remains inactive use. In light of notoriety of the Complainant's mark, such an inactive use of the disputed domain name constitutes bad faith registration and use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTLA.COM**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm, Esq.**

DATE OF PANEL DECISION 2017-11-20

Publish the Decision