Decision for dispute CAC-UDRP-101806

Case number	CAC-UDRP-101806
Time of filing	2017-12-13 08:42:30
Domain names	arcelormiital.com

Case administrator

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

Complainant

Organization	ArcelorMittal

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	mitsui

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

The Complainant has shown that it is the owner of the international trademark n°947686 ARCELORMITTAL® registered on August 3, 2007.

FACTUAL BACKGROUND

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

The Complainant is the largest steel producing company in the world with operations in more than 60 countries.

The Respondent has no relationship with the Complainant's business and is not authorized or licensed to use the trademark ARCELORMITTAL®, which is very well-known.

The disputed domain name <arcelormiital.com> was registered on November 29, 2017. It resolves to a parking page with commercial "Pay Per Click" links in relation to the Complainant and its competitors.

The Complainant submits that the disputed domain name is confusingly similar to its trademark ARCELORMITTAL® and that the Respondent has no rights or legitimate interests in the disputed domain name, which was registered and is being used in bad faith.

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 Panel notes that the Respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, asserted facts may be taken as true and reasonable inferences may be drawn from the information provided by the Complainant. See Hewlett-Packard Company v. Full System, Forum Case No. FA 0094637; David G. Cook v. This Domain is For Sale, Forum Case No. FA 0094957 and Gorstew Jamaica and Unique Vacations, Inc. v. Travel Concierge, Forum Case No. FA 0094925.

The Panel finds that the disputed domain name is clearly confusingly similar to the Complainant's trademark ARCELORMITTAL, differing only in the spelling of the last two syllables, the gTLD ".com" being inconsequential.

As to legitimacy, the Complainant says, inter alia, that the Respondent has no relationship with the Complainant's business; is not authorized or licensed to use the trademark ARCELORMITTAL®; is not known by the disputed domain name and is not making fair use of it.

The Panel accepts that the ARCELORMITTAL mark is distinctive and widely known. The Complainant’s assertions are sufficient to constitute a prima facie showing of absence of rights or legitimate interests in respect of the disputed domain name on the part of Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the disputed domain name. See Hanna-Barbera Prods., Inc. v. Entm’t Commentaries, Forum Case No. FA 741828 and AOL LLC v. Gerberg, Forum Case No. FA 780200. The Respondent has made no attempt to do so.

Accordingly the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

As to bad faith, the Complainant asserts that this is a case of typosquatting, considered as a hallmark of Policy 4(a) (iii) bad faith, citing Computerized Sec. Sys., Inc. v. Hu, Forum Case No. FA 157321 and that the Respondent was aware of the Complainant and of its well-known trademark at the time of registration of the disputed domain name.

The Panel finds that this is a clear case of typosquatting, in which the Respondent has used the disputed domain name to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's ARCELORMITTAL mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and of products on its website. Under paragraph 4(b)(iv) of the Policy, these circumstances constitute evidence of both the registration and use of the disputed domain name in bad faith for purposes of paragraph 4(a)(iii) of the Policy.

Accordingly, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith.

Therefore, the Panel holds that all requirements of the Policy have been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMIITAL.COM**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2018-01-09

Publish the Decision