Decision for dispute CAC-UDRP-102097

Case number	CAC-UDRP-102097
Time of filing	2018-07-24 10:16:43
Domain names	arcelormitttall.com

Case administrator

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

Complainant

Organization	ArcelorMittal S.A.

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Repossessed by Go Daddy

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

Complainant is the owner of the international trademark nr. 947686 ARCELORMITTAL registered on 3 August 2007.

FACTUAL BACKGROUND

According to the evidence submitted by Complainant, Complainant is the largest steel producing company in the world.

Complainant also owns a number of domain names, including the same distinctive words ARCELORMITTAL, of which the domain name <arcelormittal.com> registered on 27 January 2006.

The disputed domain name was registered on 6 July 2018.

According to the information provided by Complainant the website to which the disputed domain name resolves displays Complainant’s trademark and logo but contains no other relevant information.

The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademarks. This is a clear case of typosquatting, as the disputed domain name contains an obvious misspelling of Complainant’s trademark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name and Respondent is not related in any way with the business of Complainant. Complainant contends that Respondent tries to pass itself off as Complainant, which does not evidence any rights or legitimate interest from Respondent.

According to Complainant the disputed domain name is registered and is being used in bad faith. Given the distinctiveness of Complainant's trademark and its reputation, it is reasonable to infer that Respondent has registered the disputed domain name with full knowledge of Complainant's trademarks.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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

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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark (Policy, Par. 4 (a) (i)). Many UDRP decisions have found that a domain name is identical or confusingly similar to a complainant’s trademark where the domain name incorporates the complainant’s trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of trademark registrations for ARCELORMITTAL. The disputed domain name incorporates the entirety of the well-known ARCELORMITTAL trademark as its distinctive element. The addition of the letters “t” and “l” in the disputed domain name, is insufficient to avoid a finding of confusing similarity as the ARCELORMITTAL trademark remains the dominant component of the disputed domain name. The top-level domain “com” in the disputed domain name may be disregarded.

The Panel notes that Complainant’s registration of its trademarks predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademarks or to register the disputed domain name incorporating its marks. Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. This case is a typical case of “typosquatting” which

does not confer any rights nor interest in the disputed domain name.

Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4 (a)(ii)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(a)(iii)). Complainant has rights in the ARCELORMITTAL trademarks. Respondent knew or should have known that the disputed domain name included Complainant's well-known marks. The Panel notes that the disputed domain name was being used for "typosquatting" purposes. The Panel further notes that the disputed domain name incorporates Complainant's well-known trademarks in its entirety which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTTALL.COM**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2018-08-20

Publish the Decision