Decision for dispute CAC-UDRP-102162

Case number	CAC-UDRP-102162
Time of filing	2018-09-18 08:57:23
Domain names	arcelormittals.space

Case administrator

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

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	stave co ltd

OTHER LEGAL PROCEEDINGS

CAC case n° 101020 - ARCELORMITTAL vs. VistaPrint Technologies Ltd,

CAC case n° 101270 - ARCELORMITTAL vs. Le Tien

IDENTIFICATION OF RIGHTS

IR wordmark ARCELORMITTAL, reg. no. 79047805, reg. date August 3, 2007

IR wordmark ARCELORMITTAL, reg. no. 77717895, reg. date April 20, 2009

EU wordmark ArcelorMittal, reg. no. 0947686, reg. date August 3, 2007

FACTUAL BACKGROUND

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

See similar case ARCELORMITTAL vs. VistaPrint Technologies Ltd, CAC case n° 101020 (“The addition of ‘S’ in <arcelomittals.com> […] does not avoid the conclusion that the domain names are confusingly similar to the Complainant’s mark ARCELORMITTAL”).

See CAC case n° 101270, ARCELORMITTAL vs. Le Tien (“The incorporation of the well-known ARCELORMITTAL trademarks into the Domain Name, in combination with the fact that the website under the Domain Name has been inactive since its registration, shows the bad faith of the Respondent and absence of rights or legitimate interests on the part of the Respondent.”).

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 finds that the disputed domain name is confusingly similar to the Complainant's various trademark registrations ARCELORMITTAL. The disputed domain name consists of the trademark with letter “S“ added. The element ARCELORMITTAL is the most dominant element in the disputed domain name. The added letter “S“ cannot change this.

In the case ARCELORMITTAL vs. VistaPrint Technologies Ltd, CAC case n° 101020 it was decided that the addition of letter “ S“ in <arcelomittals.com> […] does not avoid the conclusion that the domain names are confusingly similar to the Complainant’s mark ARCELORMITTAL”).

No administratively compliant Response has been filed by the Respondent and in accordance with the UDRP Rule 5(f) the Panel must then decide the dispute based upon the Complaint, in the absence of exceptional circumstances. It is up to the Panel to decide whether the Complainant has made out a prima facie case, meaning that the Panel is not bound to transfer the disputed domain name to the Complainant solely based on the lack of Response by the Respondent. On the other hand the Panel takes into consideration that the Respondent did have time to file a Respond but chose not to.

The Panel's views are the Respondent does not have any rights or legitimate interest in the disputed domain name.

The Panel views that the Respondent has no affiliation with nor is authorized by the Complainant and is in no way related to its business. The Complainant has convincingly demonstrated that the Respondent has registered the disputed domain name in bad faith, thereby negatively impacting the reputation of the trademark owned by the Complainant.

Based on the reasons set out above, the Panel concludes that the Complainant has established a prima facie case showing that the Respondent registered without any right or legitimate interest and registered the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALS.SPACE**: Transferred

PANELLISTS

Name	**Mr. E.J.V.T. van den Broek**

DATE OF PANEL DECISION 2018-10-15

Publish the Decision