Decision for dispute CAC-UDRP-102154

Case number	CAC-UDRP-102154
Time of filing	2018-09-10 11:20:48
Domain names	arcellormittal.net

Case administrator

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

Complainant

Organization	ArcelorMittal (SA)

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	jrsindustrial Ltd

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

International trade mark n°947686 for the word mark ArecelorMittal registered on August 3rd, 2007 in classes, 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 based upon a Benelux trade mark of several months earlier. The international registration has proceeded to grant (albeit in some case subject to partial invalidation) in numerous territories including the United States.

FACTUAL BACKGROUND

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

The Complainant is a company specialised in steel production.

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.

In addition to numerous trade marks comprising the text "Arcelormittal", is owns domain names also incorporating that term including the domain name <arcelormittal.com>.

The disputed domain name was registered on August 29th, 2018 and redirects to the domain name <heidelbargengineering.com>, which is inactive.

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 accepts that the only sensible reading of the disputed domain name is as a misspelling of the Complainant's ARCELORMITTAL trade mark with the letter "L" repeated and then combined with the ".net" TLD. In the circumstances, the Complainant's mark (albeit misspelled) is clearly recognisable within the disputed domain name and therefore for the purposes of the Policy, the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights (see paragraph 1.7 and 1.9 of the WIPO Overview 3.0).

Further there is little doubt that the Respondent has no rights or legitimate interests in the disputed domain name and that the disputed domain name was registered and used in bad faith.

Notwithstanding that the Complaint somewhat unhelpfully does not give even an outline of the history of it business, the timing of the adoption of its name and its growth to the "largest steel producing company in the world", there is material annexed to the Complaint, which suggests that the Complainant has been a very substantial business throughout the world for a number of years.

Further and in any event the fact that the only sensible reading of the disputed domain name is as a misspelling of the Complainant's name and mark is compelling. This is a case of "typosquatting", where there is no obvious use of the disputed domain name that is unconnected with the Complainant's business.

It follows from this that the Respondent must have been aware of the Complainant's name and mark when the disputed domain name was registered in late August 2018.

It is also difficult to conceive of any legitimate use of the disputed domain name, that would not take unfair advantage of the Complainant's mark. Why exactly it was registered and has been subsequently held is unclear. However, regardless of exactly the Respondent's motives in this case, the Panel has little hesitation in concluding that it was registered and held with the intention of taking unfair advantage of the Complainant's rights in some fashion.

These findings are sufficient to justify the Panel's conclusion that the Respondent has no rights or legitimate interests in the disputed domain name and that the disputed domain name was registered and has been used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELLORMITTAL.NET**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2018-10-17

Publish the Decision