Decision for dispute CAC-UDRP-102163

Case number	CAC-UDRP-102163
Time of filing	2018-09-18 09:02:53
Domain names	arcelorrnittel.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Jean Lemelin

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is owner of:

(i) International trade mark ARCELOR number 77812, which was registered on 25 February 2002 in classes 1, 6, 7, 9, 12, 37, 40 and 42.

(ii) US trade mark ARCELOR MITTAL number 3643643, which was registered on 3 August 2007 in classes 6, 39,40, 41 and 42.

FACTUAL BACKGROUND

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

The Complainant, ArcelorMittal S.A., is a multinational steel manufacturing company with operations around the world.

The Complainant owns trade mark registrations for ARCELORMITTAL and ARCELOR, which pre-date the registration of the

disputed domain name. The Complainant also owns the domain name <arcelormittal.com>.

The disputed domain name was registered on 7 September 2018. It points to an inactive webpage

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 trade mark 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

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements:

(i) The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complaint has rights.
(ii) The Respondent has no rights or legitimate interests in the disputed domain name.
(iii) The disputed domain name has been registered and used in bad faith.

A. Rights

The Panel is satisfied that the Complainant is the owner of the trade mark registrations for ARCELORMITTAL and ARCELOR that predate the registration of the disputed domain name.

The generic top-level suffix ".com" may be disregarded when considering whether the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights.

The disputed domain name incorporates the Complainant's well-known trade mark in its entirety. By incorporating the Complainant's well-known mark ARCELOR in the disputed domain name gives the impression that it is somehow connected to the Complainant's trade mark ARCELORMITTAL.

In a side-by-side comparison, the overall impression is that the disputed domain name is confusingly similar the Complainant's trade mark ARCELORMITTAL. The combination of the Complainant's trade mark ARCELOR with the word "rrnittel" is visually and orally similar to Complainant's trade mark ARCELORMITTAL.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s mark ARCELORMITTAL and that the requirements of paragraph 4(a)(i) of the Policy have been met.

B. Lack of rights or legitimate interests

The Complainant says that the Respondent has no activity nor any business with the Complainant and is not affiliated nor authorized by the Complainant in any way to use the ARCELORMITTAL marks. Nor has the Respondent been authorized to register the disputed domain name. The Complainant also asserts that the website in relation to the disputed domain name, and which incorporates its well-known mark, has been inactive since its registration.

The Complainant has made out a prima facie case of absence of rights or legitimate interests in the disputed domain name on the part of the Respondent and therefore, the evidentiary burden shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain name.

The Respondent has not filed a Response. There is no evidence that the Respondent has used, or has been preparing to use, the disputed domain name in connection with a bona fide offering of goods or services, or for a legitimate non-commercial or fair use, without intent for commercial gain.

The Panel finds that the Respondent has no rights or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

C. Registration and use of the disputed domain name in bad faith

The Complainant contends that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant's trade marks.

The addition of "rnittel" to the Complainant's mark ARCELOR makes the disputed domain name visually similar to the Complainant's mark ARCELORMITTAL. There appears to be no reason why the Respondent would register the disputed domain name other than to create a likelihood of confusion with the Complainant's marks ARCELOR and ARCELORMITTAL and to suggest a connection with the Complainant.

As found by previous panel decisions, the incorporation of a well-known trade mark coupled with inactive website use may be evidence of bad faith registration and use.

Considering all the circumstances the Panel finds that the Complainant has proved that the Respondent has registered and used the disputed domain name in bad faith and that the requirements of paragraph 4(a)(iii) 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. **ARCELORRNITTEL.COM**: Transferred

PANELLISTS

Name	**Mrs Veronica Bailey**

DATE OF PANEL DECISION 2018-10-22

Publish the Decision