Decision for dispute CAC-UDRP-102181

Case number	CAC-UDRP-102181
Time of filing	2018-10-02 11:58:58
Domain names	arcelormitall.online

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	OLAF LEHMANN

OTHER LEGAL PROCEEDINGS

There are no other relevant legal proceedings of which the Panel is aware.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of International trademark No. 974686 ARCELORMITTAL, registered on August 3, 2007. It is also the registrant of the domain name <arcelormittal.com>, registered since January 27th, 2006.

FACTUAL BACKGROUND

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

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. Its ARCELORMITTAL trademark is famous.

The disputed domain name was registered in the name of a privacy service on September 25, 2018. It resolves to an inactive website.

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 confusingly similar to a trademark 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 disputed domain name is confusingly similar to the Complainant's trademark ARCELORMITTAL, since the omission of the letter “T” and the addition of the letter “L” are not sufficient to distinguish the disputed domain name from the trademark. Although it is common practice to disregard the gTLD as inconsequential, in this case the gTLD ".online" reinforces the impression that the disputed domain name is that of the Complainant.

In the absence of any Response, the Panel accepts the Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not related in any way to the Complainant; that the Complainant has no business with the Respondent and has not authorized the Respondent to make any use of the Complainant’s trademark nor to apply for registration of the disputed domain name. The Panel also accepts the Complainant's contention that this is a clear case of typosquatting, the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors. Accordingly the Panel finds that the Respondent lacks rights and legitimate interests in the disputed domain name.

In light of the fame and distinctiveness of the Complainant's trademark and the clearly deliberate mis-spelling of that mark in the disputed domain name, the Panel finds that the Respondent was well aware of the Complainant's mark when he registered the disputed domain name, and did so in bad faith in order to deceive Internet users. This is therefore a case in which the incorporation of a famous trademark into a domain name registered through a privacy service, coupled with an inactive website, is evidence of both bad faith registration and use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITALL.ONLINE**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2018-10-24

Publish the Decision