# Decision for dispute CAC-UDRP-102177

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| Case number | CAC-UDRP-102177 |
| Time of filing | 2018-09-27 11:50:19 |
| Domain names | arcelormittalplacement.com |

## Case administrator

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| Name | Šárka Glasslová (Case admin) |

## Complainant

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| Organization | ArcelorMittal (SA) |

## Complainant representative

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| Organization | Nameshield (Enora Millocheau) |

## Respondent

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| Organization | Domain eRegistration |

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of an international trademark ARCELORMITTAL, for products and services in classes 06, 07, 09, 12, 19, 21, 39, 40, 41, 42 .

FACTUAL BACKGROUND

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

As stated by the Complainant and undisputed by the Respondent, Complainant is a company specialized in the production of steel. 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. Complainant own numerous trademarks including the international trademark n°947686 (“ArcelorMittal”). Complainant also owns a portfolio of domain names including the same distinctive wording ArcelorMittal, such as the domain name “arcelormittal.com”.

The disputed domain name was registered on 24 September 2018.

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

I.
The disputed domain name is confusingly similar to the Complainant's trademark ArcelorMittal.
The trademark ArcelorMittal is included in the disputed domain name in its entirety with addition of the word “placement”. The addition of the new term “placement” after the Complainant’s trademark is not sufficient to avoid the likelihood of confusion with the trademark of the Complainant. As this term is generic and can be understood in a way that users in the internet assume that the disputed domain name leads to a hiring site of the Complaninant, the addition of the term “placement” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark of the Complainant. It does not change the overall impression of the designation as being connected to the Complainant’s trademark (decided similarly inUDRP CAC Case no. 100855; ARCELORMITTAL-GROUPE.COM).

Furthermore, it is general opinion that the addition of the gTLD “.com” does not change the overall impression of the designation of a domain name. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademarks and its domain names associated.

II.
The Respondent does not have any rights or legitimate interest in the disputed domain name. The Respondent is not known under the disputed domain name. Indeed, past panels have held that a Respondent is not commonly known by a disputed domain name if the WHOIS information is not similar to the disputed domain name (e.g. FORUM Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>) The Panel holds that the Complainant has - prima facie - proven that there is no information on any relation of the Respondent to the disputed domain name.

The Respondent has no rights or legitimate interests in respect of the dipsuted domain name and it is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark or apply for registration of the disputed domain name by the Complainant. Further, the Respondent is not making a bona fide offering of goods or services by means of the disputed domain name, or a legitimate non-commercial or fair use of it.

III.
The Complainant’s trademark is widely known. Past panels have confirmed the notoriety of the trademark ArcelorMittal in various cases, as cited by the Complainant.

Given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark. The disputed domain name is even linked to the Complainant's website. Thus, the Panel has no reason to disbelieve the Complainant, when it argues that the Respondent knew the Complainant and its worldwide presence at the time of registration. The fact that the disputed domain name redirects to the Complainant’s official website strengthens this impression of a connection to the Complainant. The trademark of the Complainant is well-known for metals and steel production. Thus, the panel is of the opinion that it is inconceivable that the Respondent might have registered a domain name similar to or incorporating the Complainant's trade mark without knowing it.

These facts, including the absence of a response, also confirm that the disputed domain name has been registered in order to create a likelihood of confusion to profit from the internet users.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALPLACEMENT.COM**: Transferred

## PANELLISTS

| Name | **Dominik Eickemeier** |
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DATE OF PANEL DECISION 2018-11-05

Publish the Decision