Decision for dispute CAC-UDRP-102221

Case number	CAC-UDRP-102221
Time of filing	2018-11-09 10:11:25
Domain names	arcelomrittal.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	lykelink

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other proceedings, pending or decided, related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the International trademark ARCELORMITTAL n. 947686 dated 3 August 2007 as well as the <arcelormittal.com> domain name since 2006. Complainant's trademark is well-known in the steel industry also with reference to information accessible on its domain name www.arcelormittal.com.

FACTUAL BACKGROUND

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

ARCELORMITTAL S.A. (the Complainant) is a company specialized in steel producing in the world. 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 is the owner of the international trademark n°947686 ARCELORMITTAL® registered on August 3, 2007.

Given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has

registered the disputed domain name with full knowledge of the Complainant's trademark.

The disputed domain name is a case of typosquatting, according to a well-settled UDRP case-law, including:

- FORUM Case No. 1765498, Spotify AB v. The LINE The Line / The Line ("Complainant contends the <spotfy.com> domain name differs from the SPOTIFY mark only by the omission of the letter "i" in the mark, and is thus a classic case of typosquatting. […] The Panel finds that Respondent's registration of the domain name is typosquatting and indicates it lacks rights and legitimate interests in the domain name per Policy ¶ 4(a)(ii).").

- FORUM Case No. 1597465, The Hackett Group, Inc. v. Brian Herns / The Hackett Group ("The Panel agrees that typosquatting is occurring, and finds this is additional evidence that Respondent has no rights or legitimate interests under Policy ¶ 4(a)(ii).").

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

Arcelormittal is one of world's most renown trademarks, so it is clear its registration and use has been made without any fair use basis and in bad faith. The disputed domain name is a clear case of typosquatting according to settled UDRP case-law including:

- FORUM Case No. 1765498, Spotify AB v. The LINE The Line / The Line ("Complainant contends the <spotfy.com> domain name differs from the SPOTIFY mark only by the omission of the letter "i" in the mark, and is thus a classic case of typosquatting. […] The Panel finds that Respondent's registration of the domain name is typosquatting and indicates it lacks rights and legitimate interests in the domain name per Policy ¶ 4(a)(ii).").

- FORUM Case No. 1597465, The Hackett Group, Inc. v. Brian Herns / The Hackett Group ("The Panel agrees that typosquatting is occurring, and finds this is additional evidence that Respondent has no rights or legitimate interests under Policy ¶ 4(a)(ii).").

Complainant has successfully claimed typosquatted domains also before CAC, as in the <arcerlormittal.com> ADR Proceeding #101549, where it resulted that "according to the new WIPO Jurisprudential Overview 3.0. (§1.9), the disputed domain name is an obvious and intentional misspelling of a trademark. Such an use of a trademark (altered through the use of adjacent keyboard letters) is in itself a confirmation that the disputed domain name was elected to confuse users seeking

or expecting the Complainant".

The Panel finds that the Complainant has satisfied all three elements under paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELOMRITTAL.COM**: Transferred

PANELLISTS

Name	**Roberto Manno**

DATE OF PANEL DECISION 2018-12-30

Publish the Decision