Decision for dispute CAC-UDRP-102281

Case number	CAC-UDRP-102281
Time of filing	2019-01-02 09:37:30
Domain names	arcelomittal.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	Nameshield (laurent Becker)

Respondent

Organization	Savvy Investments, LLC Privacy ID# 749566

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant owns Benelux trademark with registration number 1135957 ARCELORMITTAL, registered on June 18, 2007 and International trademark with registration number 947686 ARCELORMITTAL, registered on August 3, 2007 (together and jointly the "Trademark").

FACTUAL BACKGROUND

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

1. The Complainant was created through the merger of ARCELOR with MITTAL STEEL in 2006 and 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.

2. The Complainant states that the disputed domain name is confusingly similar to the Trademark.

3. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. it has no relationship with the Complainant's business and is not authorized or licensed to use the Trademark.

4. The Complainant contends that the Respondent has registered the disputed domain name and is using it in bad faith since the Respondent must have known about this merger between ARCELOR and MITTAL STEEL in 2006 and the subsequent filings of the Trademark when it registered the disputed domain name, as the Trademark as such does not have any meaning except in relation with the Complainant.

5. The Respondent is the registrant of the disputed domain name which was registered on June 29, 2007, and which resolves to a parking page with commercial links for the Complainant and its activities.

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

1. The differences between the Trademark and the disputed domain name exist of the removal of the second letter "R" at the end of the first part disputed domain name (“ARCELOR”). The Panel finds that the disputed domain name is confusingly similar to the Trademark as such differences are insignificant to the overall impression.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent must have had the Trademark in mind when it registered the disputed domain name, which was therefore registered and is being (passively) used in bad faith, in order to take advantage of a misspelling of the Trademark, which constitutes a clear act of typosquatting.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELOMITTAL.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2019-02-04

Publish the Decision