Decision for dispute CAC-UDRP-102464

Case number	CAC-UDRP-102464
Time of filing	2019-04-29 09:48:18
Domain names	mittalminerals.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL (SA)

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Fundacion Comercio Electronico

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 is the owner of the following trademarks:

- International Trademark Registration No. 1198046 for MITTAL (word mark), registered on December 5, 2013, in classes 6 and 40.

- European Trademark Registration No. 004233301 for MITTAL STEEL (word mark), registered on March 27, 2006, in classes 6 and 40.

FACTUAL BACKGROUND

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

The Complainant is a well-established 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.

The Complainant is the owner of several trademarks containing the term “MITTAL”, previously registered in different countries.

The Complainant owns an important domain names portfolio containing the wording MITTAL, such as the domain name <mittalsteel.com> registered since January 3, 2003.

The disputed domain name <mittalminerals.com> was registered on April 22, 2019, and is not currently used in connection with any goods or services.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES' CONTENTIONS

THE COMPLAINANT:

The Complainant is the owner of several trademark containing the term “MITTAL”, such as the international trademark n° 1198046 MITTAL, registered on December 5, 2013 and the European trademark n° 4233301 MITTAL STEEL, registered since January 7, 2005.

The disputed domain name is confusingly similar to the Complainant’s trademark MITTAL. Indeed, the trademark is included in its entirety.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he 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 MITTAL, or apply for registration of the disputed domain name by the Complainant.

Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Moreover, this disputed domain name resolves to a parking page with commercial links related to the Complainant and its activities. The Complainant contends the Respondent has attempt to attract Internet users for commercial gain to his own website thanks to the Complainant’s trademark, which is an evidence of bad faith.

THE RESPONDENT:

The Respondent did not reply to the Complainant’s contentions.

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 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 Complainant is owner of a trademark family whose common distinctive element is a particle “MITTAL”, having trademark registrations in various countries, such as the International Registration No. 1198046 from December 5, 2013, designing more than 30 countries.

The disputed domain name <mittalminerals.com> comprises of the distinctive element “MITTAL” which is followed by the non-distinctive particle “-minerals" and the Top-Level domain “.com”.

Given that the Complainant’s trademark MITTAL is fully comprised within the disputed domain name and that the additional elements have lower degree of distinctiveness, the Panel considers that the disputed domain name is confusingly similar to Complainant’s previously registered trademarks.

2. The Complainant stated that the Respondent is not affiliated with or authorized by the Complainant in any way. Furthermore, the Respondent does not appear to be commonly known by the disputed domain name or by the name “MITTAL” or by a name corresponding to the disputed domain name.

Finally, the website at the disputed domain name is currently inactive and there is no evidence of it having ever been associated with any goods or services.

Therefore, and in the absence of a Response, the Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name.

3. As to the bad faith at the time of the registration, the Panel finds that, in light of the distinctiveness of the Complainant’s trademarks with which the disputed domain name is confusingly similar, and due to the worldwide presence of the Complainant’s business known under the name MITTAL, the Respondent was most likely aware of the Complainant’s trademarks at the time of the registration of the disputed domain name.

Furthermore, the Complainant notes that the disputed domain name is "a parking page with commercial links related to the Complainant and its activities", however, the Panel observes that the disputed domain currently resolves to an error page.

Under such circumstances, the Panel finds that the disputed domain name was registered in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **MITTALMINERALS.COM**: Transferred

PANELLISTS

Name	**JUDr. Hana Číslerová, LL.M.**

DATE OF PANEL DECISION 2019-06-03

Publish the Decision