Decision for dispute CAC-UDRP-102647

Case number	CAC-UDRP-102647
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Domain names	acelormital.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Fundacion Comercio Electronico

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

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. It holds sizeable captive supplies of raw materials and operates extensive distribution networks as it follows on their website at www.arcelormittal.com.

The Complainant is among others the owner of the international trademark n° 947686 ARCELORMITTAL registered on 3 August 2007.

The Complainant also owns an important domain names portfolio, including the same distinctive wording ARCELORMITTAL, such as the domain name <arcelormittal.com> registered since 27 January 2006.

The disputed domain name <acelormital.com> was registered on 12 August 2019 and redirects to commercial links in relation to the Complainant.

The trademark registrations and the domain names registrations predate the registration of the disputed domain name.

FACTUAL BACKGROUND

FACTUAL BACKGROUND

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

I. The Complainant states that the disputed domain name <acelormital.com> is confusingly similar to its trademark ARCELORMITTAL. The trademark ARCELORMITTAL is included in its entirety. The deletion of the letter “R” in the word “Arcelor” and the letter “T” in the word “Mittal” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark and branded goods ARCELORMITTAL and that is a clear case of typosquatting by an obvious misspelling of the Complainant’s trademark. Thus, the disputed domain name <acelormital.com> is confusingly similar to Complainant’s trademark ARCELORMITTAL.

II. The Complainant asserts that the Respondent is not known in the WHOIS database by the disputed domain name. The Respondent was not commonly known by a disputed domain name because the Whois information was not similar to the disputed domain name. The Respondent has no rights or legitimate interests in respect of the domain name <acelormital.com> and 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 ARCELORMITTAL, or apply for registration of the disputed domain name by the Complainant. Furthermore, the disputed domain name redirects to commercial links in relation to the Complainant. Thus, the Respondent has no right or legitimate interest in respect of the disputed domain name <acelormital.com>.

III. The Complainant contends that the misspelling of the trademark ARCELORMITTAL was intentionally designed to be confusingly similar with the disputed domain name <acelormital.com>. Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark. Furthermore, the disputed domain name redirects to commercial links in relation to the Complainant. The Complainant contends that the Respondent has registered the disputed domain intentionally to attempt to attract for commercial gain the Internet users to its website by creating a likelihood of confusion with the Complainant’s widely used mark. Thus, this amounts to bad faith of the Respondent.

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. Confusingly similar disputed domain name

The Complainant's trademark ARCELORMITTAL is widely known and is highly distinctive and well-established (also CAC Case No. 101908, ARCELORMITTAL v. China Capital and CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd).

The Panel finds that the disputed domain name <acelormital.com> is confusingly similar to the trademark ARCELORMITTAL while the trademark ARCELORMITTAL is included in its entirety and the deletion of the letter "R" in the word "Arcelor" and the letter "T" in the word "Mittal" is a clear case of typosquatting, i.e. the disputed domain name contains an obvious misspelling of the Complainant's trademark. The slight spelling variations does not prevent a disputed domain name from being confusingly similar to the Complainant's trademark (CAC Case No. 102360, ARCELORMITTAL (SA) v. Milton Liqours llC <arcelornmittall.com>, CAC Case No. 102349, ARCELORMITTAL S.A. v. Arcelormittal <arcelomittal.org> and CAC Case No. 102346, ARCELORMITTAL (SA) v. Sani Cermaic <acelormitall.com>). Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can be evidence that a respondent lacks rights and legitimate interests in the disputed domain name (FORUM Case No. 1765498, Spotify AB v. The LINE The Line / The Line). The addition of the gTLD ".COM" does not change the overall impression of the designation as being connected to the Complainant's trademark and does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Thus, the Panel concluded that the Complainant have satisfied paragraph 4(a) (i) of the UDRP.

II. No rights or legitimate interests in the disputed domain name

The Panel finds that the Respondent is not known in the WHOIS database by the disputed domain name. On the other hand the Respondent has not proved that it has rights or legitimate interests in respect of the domain name <acelormital.com>. The Respondent is obviously not related in any way with the Complainant. The Complainant does not carry out any activity for, nor having any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark ARCELORMITTAL, or apply for registration of the disputed domain name by the Complainant. The Complainant made out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name.

Thus, the Panel concluded that the Complainant have satisfied paragraph 4(a) (ii) of the UDRP.

III. Bad faith by using the disputed domain name

The Complainant's trademark ARCELORMITTAL is widely known. The Panel finds that the disputed domain name redirects to commercial links in relation to the Complainant. The Respondent cannot establish rights or legitimate interests through the use of a disputed domain name with a pay-per-click landing page containing links to ads that relate to the Complainant's area of commercial activity, thus manifesting an intent to exploit and profit from the Complainant's mark (WIPO Case No. D2009-0776, Aspen Holdings Inc. v. Rick Natsch, Potrero Media Corporation). That is not a bona fide offering of goods or services or legitimate noncommercial or fair use. The Complainant's trademark is widely known and highly distinctive and well-established, therefore it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Thus, the Panel concluded that the Complainant have satisfied paragraph 4(a) (iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ACELORMITAL.COM**: Transferred

PANELLISTS

Name	**JUDr. Vojtěch Trapl**

DATE OF PANEL DECISION 2019-10-29

Publish the Decision