Decision for dispute CAC-UDRP-102789

Case number	CAC-UDRP-102789
Time of filing	2019-11-27 09:11:40
Domain names	vanishamittalbhatia.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL (SA)

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Mohammed Hanif

OTHER LEGAL PROCEEDINGS

There are no other legal proceedings related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark MITTAL® n° 1198046 registered since December 5, 2013

FACTUAL BACKGROUND

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

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, The Complainant is the owner of the international trademark MITTAL® n° 1198046 registered since December 5, 2013.
The disputed domain name <vanishamittalbhatia.com> has been registered on October 27, 2019 and redirects to parking page.
The Complainant states that the disputed domain <vanishamittalbhatia.com> is confusingly similar to its trademark MITTAL®. Furthermore, the Complainant contends that the Respondent has no right or legitimate interest in respect of the disputed domain name. Finally, Complainant contends that Respondent has registered the disputed domain name and is using it in bad faith.

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).
The disputed domain <vanishamittalbhatia.com> is confusingly similar to its trademark MITTAL®.

The addition of the terms “VANISHA” and “BHATIA” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark MITTAL®. It does not change the overall impression of the designation as being connected to the Complainant’s trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain names associated.

On the contrary, the addition of these terms worsens the likelihood of confusion between the disputed domain name and the Complainant’s trademark. Indeed, the disputed domain name is identical to the name of Mrs. Vanisha Mittal Bhatia, who is ARCELORMITTAL CEO’s daughter and a member of the Board of Directors of ARCELORMITTAL.

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).
The Respondent is not identified in the Whois database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name. Please see for instance:
- 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> (“Here, the WHOIS information of record identifies Respondent as “Chad Moston / Elite Media Group.” The Panel therefore finds under Policy 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy 4(c)(ii).”).
- FORUM Case No. FA 699652, The Braun Corporation v. Wayne Loney.

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.

Furthermore, the disputed domain name redirects to a parking page. Therefore, the Respondent did not make any use of disputed domain name since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain name. It demonstrates a lack of legitimate interests in respect of the disputed domain name.

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). The Complainant’s trademark MITTAL® is widely known. Past panels have confirmed the notoriety of these trademarks in the following cases:
- WIPO Case No. D2018-1086, ArcelorMittal S.A. v. Registrant of lakshmimittal.org, c/o WHOIStrustee.com Limited / Zeus Holding Market Ltd. ("The Domain Name wholly incorporates a well-known mark [MITTAL]”);
- WIPO Case No. D2010-2049, Arcelormittal v. Mesotek Software Solutions Pvt. Ltd. (“the Complainant’s marks MITTAL and MITTAL STEEL have been widely used and are well-known.”)

Besides, by associating the terms “VANISHA” and “BHATIA” with the Complainant’s trademark MITTAL®, it is likely that the Respondent had the Complainant in mind when it registered the disputed domain name, as it is identical to the name of Mrs.

Vanisha Mittal Bathia, member of the board of ARCELORMITTAL.

Therefore, 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 and with the Complainant in mind.

Furthermore, the disputed domain redirects to a parking page. The Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant’s rights under trademark law.

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

The manner in which the disputed domain name is confusingly similar to the protected mark. The Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant’s rights under trademark law.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **VANISHAMITTALBHATIA.COM**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION 2019-12-19

Publish the Decision