Decision for dispute CAC-UDRP-102955

Case number	CAC-UDRP-102955
Time of filing	2020-03-05 09:51:40
Domain names	arcelormittalprocedures.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	ARCELORMITTAL (SA)

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Alia Conseil

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 International registration with number 947686 for the word mark "ARCELORMITTAL", registered on February 22, 2007 for goods and services in classes .6, 7, 9, 12, 19, 21, 39, 40, 41 and 42. The registration designates many countries worldwide.

FACTUAL BACKGROUND

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.

On January 27, 2006 the Respondent registered the disputed domain name <arcelormittalprocedures.com>. The website in connexion with the disputed domain name is inactive. The disputed domain name resolves to a blank page displaying the message “The content of the page cannot be displayed".

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 Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark "ARCELORMITTAL" which was registered prior to the registration of the disputed domain name and should be regarded to having a reputation. The disputed domain name wholly incorporates Complainant's trademark. The fact that the word "procedures" is added does not eliminate the similarity between Complainant's trademark and the disputed domain name, as "procedures" is a descriptive component of the disputed domain name. The Panel agrees with the Complainant that the disputed domain name gives the impression to be connected to Complainant's trademark.

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

3. In the absence of a Response, and given that "ARCELORMITTAL" is not a dictionary and/or commonly used term but a trademark with a reputation, the Panel infers that the Respondent must have had the Complainant's trademark in mind when registering the disputed domain name, which was therefore registered in bad faith. Further, the disputed domain name was not resolving to an active website at the time of filing. However, the consensus view amongst UDRP panelists is that the apparent lack of so-called active use of the domain name without any active attempt to sell or to contact the trademark holder does not as such prevent a finding of bad faith. The panel must examine all the circumstances of the case to determine whether the respondent is acting in bad faith. "Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put" (paragraph 3.4 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition). In this case, the Panel is convinced that the overall circumstances of this case strongly suggest that the Respondent’s non-use of the disputed domain name is in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALPROCEDURES.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2020-04-08

Publish the Decision