Decision for dispute CAC-UDRP-103720

Case number	CAC-UDRP-103720
Time of filing	2021-04-07 00:00:00
Domain names	industeelskorea.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)

Complainant

Organization	INDUSTEEL France

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Domains customerservice

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 registered owner of several trademarks for "INDUSTEEL", inter alia International trademark registration no. 745241 "INDUSTEEL", registered on October 5, 2000 for various goods and services in classes 6, 7, 38, and 40 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is a subsidiary of ArcelorMittal, the world's largest steel producer, and specialized in the production of hot rolled as well as forged steel plates, ingots and formed pieces, with the largest dimension range worldwide.

The disputed domain name was registered on February 15, 2021 and is used in connection with a parking website provided by the Registrar.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark as the addition of the geographic term "KOREA" does not prevent the likelihood of confusion between the disputed domain name and the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not known by the disputed domain name, that the Respondent is not related in any way with the Complainant, that the Complainant does not carry out any activity for, nor has any business with the Respondent, that the Complainant has not granted any license or authorization to the Respondent to make any use of the Trademark, and that the Respondent's use of the disputed domain name is no bona fide offering of goods or services or a legitimate non-commercial or fair use under the Policy.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant argues that the Trademark is highly distinctive and has a high reputation and that it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Trademark. The Complainant also states that the Respondent is capitalizing on the Trademark by using the disputed domain name in connection with a website featuring pay-per-click links to third parties websites.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the domain name is identical or confusingly similar to the Complainant's trade mark; and

(ii) the Respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark. It is well established that a domain name that wholly incorporates a trademark may be confusingly similar to such a trademark for purposes of the Policy despite the addition of geographic terms, such as "KOREA".

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

Based on the evidence before the Panel, the Panel cannot find any rights or legitimate interests of the Respondent either.

Accordingly, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in respect of the disputed domain name under paragraphs 4(a)(ii) and 4(c) of the Policy.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and well-established.

3.2 As to bad faith use, by using the disputed domain name in connection with a landing page providing pay-per-click links which promote third parties' products and services, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy. It is well established that a respondent (as the registered owner of the domain name) is in general ultimately responsible for the information available at the website and for all content posted there, regardless of how and by whom such content was generated and regardless of who profits directly from the commercial use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **INDUSTEELSKOREA.COM**: Transferred

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2021-05-06

Publish the Decision