

Decision for dispute CAC-UDRP-104024

Case number	CAC-UDRP-104024
Time of filing	2021-09-27 09:19:00
Domain names	arcelormittal-groups.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	ARCELORMITTAL (SA)
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	Anonymous Anonymous
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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 trademark registrations across various jurisdictions, including the United States, where the Respondent is located, inter alia International registration no. 947686 ArcelorMittal, registered on August 3, 2007 for various goods and services in classes 06, 07, 09, 12, 19, 21, 39, 40, 41, and 42 (hereinafter referred to as the "Trademark").

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. The Complainant provides information on its goods and services online at <arcelormittal.com>.

The disputed domain name was registered on September 19, 2021, and is used in connection with a website displaying information on the operating system installed on the Respondent's server.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark as it includes the Trademark in its entirety and as the addition of the generic term "groups" does not change the overall impression of the disputed domain name as being connected to 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 as the disputed domain name, that the Respondent is not related in any way with the Complainant, that neither license nor authorization has been granted to the Respondent by the Complainant to make any use of the Trademark or apply for registration of the disputed domain name, and that the Respondent's use of the disputed domain name fails to confer rights and legitimate interests in it.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant states that the Trademark is highly distinctive well-known and that it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Trademark. With regard to bad faith use, the Complainant argues that the disputed domain name redirects to a page with information pertaining to the open-source computing platform "CentOS Linux" and that the Respondent attempts to attract internet users by creating a likelihood of confusion with the Complainant's trademark for commercial gain.

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 disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed 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 trademark for purposes of the Policy despite the addition of generic terms, such as "groups".

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 on file, 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. 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.

As to bad faith use, by using the disputed domain name in connection with a landing page providing commercial information related to 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. **ARCELORMITTAL-GROUPS.COM**: Transferred

PANELLISTS

Name	Peter Müller
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DATE OF PANEL DECISION 2021-10-29

Publish the Decision
