

Decision for dispute CAC-UDRP-104131

Case number CAC-UDRP-104131

Time of filing 2021-11-05 09:06:50

Domain names mittalfoundation.org

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization ARCELORMITTAL S.A.

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Ankit Mittal

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, inter alia, of the following trademark registrations for MITTAL (word mark):

- International trademark registration No. 1198046, registered on December 5, 2013, in international classes 6 and 40; and
 - Indian trademark registration No. 1319446, filed on November 8, 2004, in international classes 6 and 40.
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FACTUAL BACKGROUND

The Complainant is a global leader in steel production and is the market leader in steel for use in automotive, construction, household appliances and packaging with 71.5 million tonnes crude steel made in 2020. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant is the owner of the domain name <arcelormittal.com>, which was registered on January 27, 2006 and is used by the Complainant to promote its products services under the trademark MITTAL.

The disputed domain name <mittalfoundation.org> was registered on October 26, 2021 and resolves to a parking page with

commercial links.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant states that the disputed domain name <mittalfoundation.org> is confusingly similar to its trademark MITTAL as it reproduces the trademark in its entirety with the sole addition of the term "foundation" and the gTLD ".org", which is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name because 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 and 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.

The Complainant also asserts that the Respondent, who is identified in the Whois database as "Ankit Mittal", has impersonated the identity of a representative of the Complainant.

The Complainant further contends that the Respondent's use of the disputed domain name in connection with a parking page with commercial links does not amount to a bona fide offering of goods or services or a legitimate non-commercial or fair use.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the disputed domain name makes reference to the Mittal Foundation and that the Respondent probably registered the domain name with full knowledge of the Complainant's well-known trademark.

Lastly, the Complainant highlights that the disputed domain name resolves to a parking page with commercial links and contends that the Respondent has attempted to attract Internet users to his own website for commercial gain, which is also evidence of bad faith.

RESPONSE

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 the Complainant's trademark MITTAL as it reproduces the trademark in its entirety, with the mere addition of the descriptive term "foundation" and the generic Top-Level Domain ".org". As stated in a number of prior decisions rendered under the UDRP, these minor changes are not sufficient to prevent a finding of confusing similarity.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain name, the Complainant stated that the Respondent was not authorized to use the Complainant's trademark and is not affiliated with the Complainant in any way. The Complainant further stated that the Respondent is impersonating a Complainant's representative and provided evidence that a person named like the Respondent is indeed Head of Commercial Coordination at the Complainant. The Complainant also pointed out that the Respondent, by pointing the disputed domain name to a parking page with commercial links, is not making a bona fide offering of goods or services or a legitimate non-commercial or fair use.

The Panel finds that the Complainant has made a prima facie case and that the Respondent, by failing to submit a Response, has not demonstrated that he has rights or legitimate interests in the disputed domain name.

3. As to bad faith at the time of the registration, the Panel finds that, in light of the prior registration and use of the trademark MITTAL by the Complainant and of the well-known character of the trademark also in India, where the Respondent is based, the Respondent was or ought to be aware of the Complainant's trademark at the time of registration.

The Panel also finds that the Respondent, by redirecting the disputed domain name to a pay-per-click page, has intentionally attempted to attract internet users to his website for commercial gain, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of his website according to paragraph 4(b)(iv) of the Policy.

Moreover, based on the Complainant's allegations, that the Respondent has failed to rebut, the Respondent appears to have impersonated one of the Complainant's representatives, which is a further circumstance of bad faith.

Therefore, the Panel finds that, on balance of probabilities, the Respondent registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. MITTALFOUNDATION.ORG: Transferred

PANELLISTS

| | |
|------|--------------|
| Name | Luca Barbero |
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DATE OF PANEL DECISION 2021-12-10

Publish the Decision
