

Decision for dispute CAC-UDRP-104319

Case number	CAC-UDRP-104319
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Time of filing	2022-02-01 08:08:59
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Domain names	arcelormuttal.com
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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

Name	omarr offix
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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 owns International trademark with registration number 947686 ARCELORMITTAL for goods and services in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42, registered on August 3, 2007 and designated for many jurisdictions (the "Trademark").

FACTUAL BACKGROUND

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

1. 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 71.5 million tonnes crude steel made in 2020. It holds sizeable captive supplies of raw materials and operates extensive distribution.
2. The Respondent is the registrant of the disputed domain name which was registered on January 26, 2022 and resolves to an inactive webpage. The Respondent has configured MX servers for the disputed domain name, which suggests that the disputed domain name is used for e-mail services.

3. The Complainant states that the disputed domain name is confusingly similar to the Trademark as the disputed domain name substitutes the letter “I” by the letter “U”, which is characteristic of a typosquatting practice intended to create confusing similarity between the Trademark and the disputed domain name.

4. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name, is not related to the Complainant, was neither licensed nor authorized to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant. while the Complainant does not carry out any activity for, nor has any business with the Respondent.

5. The Complainant contends that the Respondent has registered the disputed domain name and is using it in bad faith since the Trademark has a reputation and the misspelling of the Trademark as reflected in the disputed domain name was intentionally designed to be confusingly similar with the Trademark. Besides, the disputed domain name resolves to an inactive webpage and 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 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. Finally, MX servers are configured which suggests that it may be actively used for email purposes.

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 differences between the Trademark and the disputed domain name exist of the substitution of the letter “I” by a “U”. The Panel finds that the disputed domain name is confusingly similar to the Trademark as such difference is insignificant to the overall impression.

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

3. In the absence of a Response, the Panel infers that the Respondent must have had the Trademark in mind when it registered the disputed domain name, which was therefore registered and is being (passively) used in bad faith, in order to take advantage

of a misspelling of the Trademark, which constitutes a clear act of typosquatting.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **ARCELORMUTTAL.COM**: Transferred

PANELLISTS

Name	Alfred Meijboom
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DATE OF PANEL DECISION 2022-03-07

Publish the Decision