Decision for dispute CAC-UDRP-100740

Case number	**CAC-UDRP-100740**
Time of filing	**2014-01-21 15:59:42**
Domain names	**arcelornnittal.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**ARCELORMITTAL**

Complainant representative

Organization	**Nameshield (Anne Morin)**

Respondent

Organization	**arcelornnittal**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and that relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

RIGHTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant - ARCELOR MITTAL S.A. - relies amongst others on international trademark (word) no. 947686 - <ArcelorMittal> and several domain names including the same wordings, such as arcelor-mittal,com and others.

FACTUAL BACKGROUND

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

The disputed domain name <arcelornnittal.com> has been registered on August 12, 2013. The website related to the disputed domain name displays commercial links in relation to the Complainant’s activities (Steel) and provides Pay per Click” pages redirecting to competitors’ websites.

On 15 January 2014, the Complainant sent a cease-and-desist letter to the Respondent by email (brad.reesar@yahoo.com). The Respondent has not provided any response to this cease-and-desist letter.

Finally, the Complainant states that the Respondent is not affiliated with the Complainant. Furthermore, the Complainant did not grant any licence or authorization to the Respondent to make any use, or apply for registration of the disputed domain name.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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).

The Panel is satisfied that the disputed domain name <arcelornnittal.com> is confusingly similar to the Complainant's trademark <ArcelorMittal>. Merely replacing the “M” in the Complainant's mark <ArcelorMittal> with a double “N” does not sufficiently change the overall impression of confusing similarity.

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 Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

In the absence of any explanation from the Respondent, it is not possible to conclude that it has any rights or legitimate interests in the Domain Name.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

Numerous panels have confirmed that the use of misspellings in domain names also indicates bad faith registration.

Furthermore, the website in relation to the disputed domain name <arcelornnittal.com> provides “Pay per Click” pages linked with the Complainant’s activities and redirecting to competitors’ websites. The Panel therefore finds that the Respondent additionally registered the disputed domain name with the intention of targeting the Complainant’s trademark for the purpose of disrupting the Internet traffic and takes a profit with the commercial links.

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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORNNITTAL.COM**: Transferred

PANELLISTS

Name	**Dr. Tobias Malte Müller**

DATE OF PANEL DECISION 2014-02-28

Publish the Decision