Decision for dispute CAC-UDRP-100789

Case number	CAC-UDRP-100789
Time of filing	2014-04-15 14:19:33
Domain names	arcelormittalvinton.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ArcelorMittal S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	No Worries auto Transport Inc

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

The Complainant is the proprietor of international trademark ARCELORMITTAL, registered on August 3, 2007 in numerous countries, including the United States of America.

FACTUAL BACKGROUND

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

The Complainant is the largest steel producing company in the world. It owns the registered trademark ARCELORMITTAL, which has no meaning in English. It also owns several domain names, including <arcelormittal.com>.

The Respondent registered the disputed domain name <arcelormittalvinton.com> ("the Domain Name") on January 14, 2014. It resolves to the Complainant's website at <arcelormittal.com>. Vinton is the name of a city in United States of America.

The Respondent is not affiliated with nor authorized by the Complainant in any way and is not related in any way to the Complainant's business. The Respondent is not commonly known by the Domain Name since the WHOIS information is not similar to the Domain Name. By redirecting the Domain Name to the Complainant's website, the Respondent proves that the

legitimate owner of the Domain Name is the Complainant. Accordingly, the Respondent has no rights or legitimate interests to the Domain Name.

The Respondent did not respond to a cease-and-desist letter dated March 18, 2014.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is confusingly similar to a trademark 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 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 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.

A respondent is not obliged to participate in a proceeding under the Policy but if it fails to do so, asserted facts may be taken as true and reasonable inferences may be drawn from the information provided by the complainant. See Reuters Limited v. Global Net 2000, Inc, WIPO Case No. D2000-0441.

PRINCIPAL REASONS FOR THE DECISION

The Domain Name is confusingly similar to the Complainant's registered trademark ARCELORMITTAL, since the addition of the term "VINTON", corresponding to the name of a city in United States, is not sufficient to distinguish the Domain Name from that mark and the gTLD ".com" is generally to be disregarded.

The ARCELORMITTAL mark is distinctive. The Complainant’s assertions are sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the Domain Name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name: Do The Hustle, LLC v. Tropic Web, WIPO Case No. D2000-0624 and the cases there cited. The Respondent has made no attempt to do so. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Domain Name.

Given the distinctiveness of the Complainant's trademark, the Panel infers that the Respondent registered the Domain Name with knowledge of the Complainant's mark and redirected the Domain Name to the Complainant's website without the Complainant's authorization for the purpose of misleading Internet users into believing that the Respondent is the Complainant or an entity approved by the Complainant. The Domain Name has thus been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALVINTON.COM**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2014-05-20

Publish the Decision