Decision for dispute CAC-UDRP-100855

Case number	CAC-UDRP-100855
Time of filing	2014-09-16 13:08:57
Domain names	ARCELORMITTAL-GROUPE.COM

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Francois Dumontier

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 several trademarks ARCELORMITTAL, inter alia an internationally registered trademark under the Madrid Agreement.

FACTUAL BACKGROUND

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

ARCELORMITTAL S.A. (the Complainant) is a company specialized in steel producing in the world, and notably in Brazil (please see their website at: www.arcelormittal.com).

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 disputed domain name "arcelormittal-groupe.com" was registered on September 03, 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 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 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.

PRINCIPAL REASONS FOR THE DECISION

I.
The Complainant states that the disputed domain name "arcelormittal-groupe.com" is confusingly similar to its trademarks and branded goods ARCELORMITTAL®. Indeed, the domain name contains the Complainant's trademark in its entirety.

The addition of the French generic term "Groupe" (corresponding to the notion of corporate group) is not sufficient to escape the finding that the domain name is confusingly similar to the trademark ARCELORMITTAL.

When a distinctive mark is combined with less distinctive terms, the combination will typically be found to be confusingly similar to the distinctive mark. The combination does not prevent the likelihood of confusion between the disputed domain name and the Complainant's trademark.

II.
The Complainant has stated that the Respondent is not affiliated with him nor authorized by him in any way, and that the Respondent, thus, has no right nor legitimate interest in the disputed domain name.

The Respondent used the domain name in order to create a likelihood of confusion with the Complainant. Indeed, the Respondent has attempted to commit fraud to the disadvantage of customers of Arcelormittal by pretending to be the Complainant. The domain name is inactive since its registration. As Respondent did not dispute these contentions due to the lack of a Response, the panel holds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

III.
Given the distinctiveness of the Complainant's trademark, which does not consist of generic terms nor terms with generic connotation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's mark and uses it for the purpose of misleading and diverting internet traffic. As the Respondent upon the

undisputed contention of the Complainant attempted to impersonate the Complainant in order to commit fraud to the disadvantage of the Complainant's customer, the panel holds that the Respondent acted in bad faith in registering and using the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTAL-GROUPE.COM**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2014-10-31

Publish the Decision