

Decision for dispute CAC-UDRP-100909

Case number CAC-UDRP-100909

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Domain names arcelormttal.com

Case administrator

Name Lada Válková (Case admin)

Complainant

Organization ARCELORMITTAL S.A.

Complainant representative

Organization Nameshield (Anne Morin)

Respondent

Organization arcelormittal - Chugh Davinder

OTHER LEGAL PROCEEDINGS

There are no other legal proceedings the Panel is aware of 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.

The Complainant also owns a number of domain names, including the same distinctive wording.

FACTUAL BACKGROUND

The disputed domain name <arcelormttal.com> was registered on December 16, 2014.

The Complainant states that the disputed domain name <arcelormttal.com> is confusingly similar to its trademark and branded goods ARCELORMITTAL. Indeed, the deletion of the letter "l" is not sufficient to escape the finding that the domain name is confusingly similar to the trademark ARCELORMITTAL®. This is a clear case of typosquatting.

Complainant has prevailed in at least six other analogous proceedings.

CAC 100831 - ArcelorMittal S.A. v. Anton M Bahtin - <arcel0rmittal.com>

CAC 100740 - ArcelorMittal S.A. v. arcelornnittal - <arcelornnittal.com>
CAC 100689 - ArcelorMittal S.A. v. desmond smith - <arcellormital.com>
CAC 100573 - ArcelorMittal S.A. v. David Albert - <arcelormmittal.com>
CAC 100438 - ArcelorMittal S.A. v. Above.com Domain Privacy <arselormittal.com>
CAC 100359 - ArcelorMittal S.A. v. Above.com Domain Privacy <accelormittal.com> and <arcelormitta.com>

PARTIES CONTENTIONS

No Response has been filed.

RIGHTS

It is clear and proven that there is a similarity between properly registered and used domain names and trade marks of the Complainant and the disputed domain name as to the misspelling/typosquatting; phonetic similarity, optical similarity; conceptual/intellectual similarity. Indeed, the deletion of the letter "l" is not sufficient to escape the finding that the domain name is confusingly similar to the Complainant's trademark. Therefore, 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 Panel finds that the ARCELORMITTAL mark is distinctive. The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorised by the Complainant are sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the disputed 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. The Respondent has made no attempt to do so. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Therefore, 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). The domain name recently has been registered in order to send fraudulent email from an address at the domain name to banks, in a clear effort to steal money. The Respondent has used the disputed domain name in scam email correspondence with the Complainant's employee's banks, creating the impression that the email was sent by the Complainant's employee. The disputed domain name was registered and used solely to take advantage of the Complainant's reputation and employees.

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

The disputed domain name is confusingly similar to a trademark in which the Complainant has rights. Furthermore, the Complainant made out a prima facie case that the Respondent lacks rights or legitimate interests. Finally, the way the disputed domain name is used indicates bad faith on the part of the Respondent. Therefore, the Panel is of the opinion that the conditions set out in the Rules are met and the disputed domain name shall be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. ARCELORMTTAL.COM: Transferred

PANELLISTS

Name **Mike Rodenbaugh**

DATE OF PANEL DECISION **2015-02-26**

Publish the Decision
