Decision for dispute CAC-UDRP-101023

Case number	CAC-UDRP-101023
Time of filing	2015-07-27 12:59:44
Domain names	arcelorrmittal.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ArcelorMittal SA

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Dave Lof

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

The Complainant is the registered proprietor of International Trademark No. 947686 "ArcelorMittal" registered on August 3, 2007.

Furthermore, the Complainant provides evidence that its trademark has become a distinctive identifier associated with the Complainant and its goods. Therefore, the Panel finds the Complainant has Common law rights in "ArcelorMittal".

FACTUAL BACKGROUND

The Complainant is the largest steel producer in the world. It operates under its name ArcelorMittal s.a. and has its website at www.arcelormittal.com.

The disputed domain name, arcelorrmittal.com, was registered on June 10, 2015. It is currently directed to an inaccessible web page.

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), namely the registered international trademark "ArcelorMittal" and common law rights in this mark by virtue of its extensive reputation and goodwill and the world's largest steel-maker.

The disputed domain name is confusingly similar to this mark, from which it differs only in the addition of a second letter "r" before the "M" and the gTLD suffix. Neither of these differences suffices to distinguish the disputed domain name from the Complainant's mark.

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). The Respondent has not used or made demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. Nor has the Respondent made any legitimate non-commercial or fair use of it. The Respondent is not commonly known by the disputed name. There is no other basis on which the Respondent could claim a right or legitimate interest in the disputed domain name.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy). This is a case of obvious typo-squatting. The absence of any possible legitimate purpose for registering the domain name is evidence of registration and use in bad faith. The Complainant's allegation of bad faith registration and use is plausible and not disputed. It is appropriate to draw the inference that this allegation is correct from the Respondent's default in accordance with paragraph 14(b) of the UDRP Rules.

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 for it’s a clear case of the so-called typo-squatting. Furthermore, given the Respondent's default the Panel finds the Respondent to have no rights or legitimate interests in the disputed domain name. Finally, considering the reputation of the Complainant’s trademark and Respondent’s default the Panel is of the opinion that Complainant's plausible allegation of bad faith of the Respondent regarding the registration and use of the disputed domain name is correct.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORRMITTAL.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2015-09-10

Publish the Decision