Decision for dispute CAC-UDRP-101034

Case number	CAC-UDRP-101034
Time of filing	2015-08-14 13:00:39
Domain names	arcelormlttal.com, arcalormittal.com, arcelormtital.com, arcelorsteels.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ArcelorMittal S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	VistaPrint Technologies Ltd

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is owner of International trade mark No. 947686 for the mark <ArcelorMittal>, which was registered on August 3, 2007 in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42. The expiration date is August 03, 2017.

Complainant is also the holder of the actively used domain name “arcelormittal.com”, created on January 27, 2006.

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, ArcelorMittal S.A., is a large steel producing company with operations around the world. ArcelorMittal is the successor to Mittal Steel, a business originally set up in 1976 by Mr Lakshmi N Mittal, chief executive officer and chairman of the board of directors. ArcelorMittal was created through the merger of Arcelor and Mittal Steel in 2006.

The Complainant uses the International trade mark No. 947686 <ArcelorMittal> inter alia in relation to its steel production

business, for which the Complainant is well-known.

The still disputed domain names <arcelormlttal.com>, <arcalormittal.com> and <arcelormtital.com> were registered respectively on August 3, 2015, on July 20, 2015 and on July 26, 2015 by "Vista Print Technologies Ltd". The disputed domain names are currently inactive.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

COMPLAINANTS' CONTENTIONS:

As far as the Complainant contentions are concerned, the Complainant claims the disputed domain names to be confusingly similar to its trademark. Furthermore, the Complainant contends that the Respondent has no rights or legitimate interest in the disputed domain names. Finally, the Complainant states that the disputed domain names have been registered and used in bad faith.

The Complainant refers to the various cases to support its submissions (inter alia cases Nos. 100831, 100740, 100689 etc.).

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the domain names <arcelormlttal.com>, <arcalormittal.com> and <arcelormtital.com> are identical or confusingly similar to the trademark 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 for one of the world's best known steel-maker.

The disputed domain names <arcelormlttal.com>, <arcalormittal.com> and <arcelormtital.com> are confusingly similar to this mark, from which the disputed domain name <arcelormlttal.com> only differ in the “L” to the “I”, the disputed domain name <arcalormittal.com> only differ in the “A” for the “E” and from which the domain name <arcelormtital.com> diver in the move of two letters: the “T” and the “I” in <arcelormtital.com>. 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 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 the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

The absence of any possible legitimate purpose for registering the typo-squatting domain names is evidence of registration and use in bad faith. The Complainant's allegation of bad faith registration and use is plausible and not disputed.

PROCEDURAL FACTORS

On October 01, 2015 the Complainant requested withdrawal of the domain name <arcelorsteels.com> from the complaint. Accordingly, the Panel invited the Respondent on October 04, 2015 to confirm within 5 days whether or not the Respondent raises justifiable grounds for objection against the withdrawal of the disputed domain name <arcelorsteels.com> from the complaint in accordance with paragraph 17 (b) of the Rules. No response has been filed within the period allotted and

therefore in that regard the Panel inter alia decided that the domain name <arcelorsteels.com> is withdrawn from the complaint and that the decision is to be delivered 5 days after the domain name <arcelorsteels.com> is deleted from the decision form.

Otherwise, 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 typo-squatting domain names <arcelormlttal.com>, <arcalormittal.com> and <arcelormtital.com> are confusingly similar to the trademark in which the Complainant has rights. Furthermore the Respondent has no rights or legitimate interests in the disputed domain names. 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 names <arcelormlttal.com>, <arcalormittal.com> and <arcelormtital.com> is correct.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMLTTAL.COM**: Transferred
2. **ARCALORMITTAL.COM**: Transferred
3. **ARCELORMTITAL.COM**: Transferred

PANELLISTS

Name	**Prof. Dr. Lambert Grosskopf, LL.M.Eur.**

DATE OF PANEL DECISION 2015-09-24

Publish the Decision