Decision for dispute CAC-UDRP-101270

Case number	CAC-UDRP-101270
Time of filing	2016-08-18 09:22:42
Domain names	nl-arcelormittal.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Le Tien

OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings that are pending or decided and that relate to the disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of numerous trademarks, among which the international trademark "ARCELORMITTAL" with number 0947686, registered on 3 August 2007, based on the basic Benelux trademark registration with number 824918.

Based on this international registration, the Complainant has many national trademarks, among which:
- the US trademark "ARCELORMITTAL" with number 3643643, registered on 23 June 2009;
- the EU trademark "ARCELORMITTAL" with number 0947686, registered on 3 August 2007.

FACTUAL BACKGROUND

ARCELORMITTAL S.A. (the Complainant) is a multinational steel manufacturing corporation with its official website to be found at <www.arcelormittal.com>.

The Complainant is the largest steel and mining company in the world and is the market leader in steel for use in the sectors 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 Complainant is the owner of several registered international and EU trademarks that include the wording ARCELORMITTAL. The Complainant also owns several domain names including the wording ARCELORMITTAL.

The disputed Domain Name was registered on 8 July 2016.

On 3 August 2016, a cease-and-desist letter was sent to the Respondent in relation to its registration of the Domain Name. The Respondent did not provide any response to this cease-and-desist letter.

I. The Complainant contends that the Domain Name is confusingly similar to its well-known and distinctive trademarks ARCELORMITTAL.

The Complainant contends that the addition of the letters “NL" (in reference of the country code of the Netherlands) at the beginning of the Domain Name and separated by an hyphen of the trademark ARCELORMITTAL, and the gTLD “.COM” are not sufficient elements to escape the finding that the Domain Name is confusingly similar to the Complainant’s trademarks and it does not change the overall impression of the designation as being connected to the trademarks ARCELORMITTAL.

II. The Complainant further asserts that the Respondent does not have any rights or legitimate interest in the Domain Name.

The disputed Domain Name is registered by the Respondent under his name “Le Tien”. The Respondent does not carry out any activity for, nor has any business with the Complainant. Neither a licence nor an authorization has been granted by the Complainant to the Respondent to make any use of the trademarks ARCELORMITTAL, or apply for registration of the Domain Name.

The website in relation with the Domain Name is inactive since its registration.

Thus, the Complainant contends that the Respondent has no rights or legitimate interest in the Domain Name, and has registered and used the Disputed Domain Name only in order to create a likelihood of confusion with the Complainant’s trademarks.

III. The Complainant asserts that the disputed Domain Name was registered and is being used in bad faith.

The Complainant's trademarks ARCELORMITTAL are well known worldwide. By registering the Domain Name, <nl-arcelormittal.com, including in its entirety the Complainant’s trademark, with addition of the letter “NL" (in reference of the country code of the Netherlands) at the beginning of the Domain Name, the Complainant states that this typosquatting was intentionally designed to be confusingly similar with the Complainant’s trademarks. The Complainant contends that it is inconceivable that the Respondent could have registered the Domain Name without actual knowledge of Complainant's trademark rights.

Moreover, the website in relation with the disputed Domain Name has been inactive since its registration. The incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

On these bases, the Complainant concludes that the Respondent has registered and is using the Domain Name in bad faith.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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

The Domain Name is confusingly similar to the Complainant's ARCELORMITTAL trademarks since it wholly comprises those trademarks, with the mere adding of the generic abbreviation "NL-", which stands for the country code of the Netherlands. The mere adding of such a generic abbreviation is insufficient to prevent confusing similarity.

Accordingly, the Panel finds that the Domain Name is confusingly similar to the ARCELORMITTAL trademarks of the Complainant.

The Panel further finds that the Complainant successfully asserted that the Respondent does not have any rights or legitimate interest in respect of the Domain Name and that the Respondent has registered and used the Domain Name only in order to create a likelihood of confusion with the Complainant’s trademarks.

The incorporation of the well-known ARCELORMITTAL trademarks into the Domain Name, in combination with the fact that the website under the Domain Name has been inactive since its registration, shows the bad faith of the Respondent and absence of rights or legitimate interests on the part of the Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Tom Joris Heremans**

DATE OF PANEL DECISION 2016-10-02

Publish the Decision