Decision for dispute CAC-UDRP-101365

Case number	CAC-UDRP-101365
Time of filing	2016-11-24 10:05:26
Domain names	arcelormittalmedia.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	SANDRA ONSTOT

IDENTIFICATION OF RIGHTS

The Complainant belongs to the ArcelorMittal group of companies, which owns, inter alia, the trademark (word) "ArcelorMittal" (WIPO No. 947686) with protection in classes 06, 07, 09, 12, 19, 21, 39, 40, 41 and 42 for many countries worldwide including the United States, priority of May 25, 2007 and registered on August 3, 2007.

FACTUAL BACKGROUND

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

The Complainant is a company with legal domicile in France and belongs to the ArcelorMittal group of companies which is the largest steel producing company in the world and the market leader in steel for use in automotive, construction, household appliances and packing with operations in more than 60 countries. The Complainant advertises its products and services worldwide under various trademarks relating to the term "ArcelorMittal" as well as under its official website at "www.arcelormittal.com".

The Respondent is a resident of the United States and registered the disputed domain name "arcelormittalmedia.com" on November 3, 2016, which currently redirects to a standard parking website at "www.arcelormittalmedia.com" providing for hyperlinks to numerous active third parties' websites in e.g. the steel industry, some of which are Complainant's competitors.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is 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 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 that the disputed domain name has been registered and is being used by the Respondent 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 the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel finds that the disputed domain name "arcelormittalmedia.com" is confusingly similar to the Complainant's "ArcelorMittal" trademark since (1) the disputed domain name incorporates Complainant's trademark in its entirety and (2) the mere addition of the generic term "media" is not capable to dispel the confusing similarity arising from the Complainant's trademark's incorporation in the disputed domain name.

Moreover, the Complainant contends, and the Respondent has not objected to these contentions, that the Respondent so far has neither made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is Respondent making a legitimate non-commercial or fair use of the disputed domain name, nor is Respondent commmonly known thereunder. In fact, the Panel notes that using the disputed domain name to redirect to a standard parking website in order to generate so-called "pay-per-click" (PPC) commissions neither qualifies per se as a bona fide offering of goods or services nor as a legitimate non-commercial or fair use under the UDRP. Moreover, there is no reason for the Panel to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "Arcelormittal" which, according to Complainant's undisputed contentions, in fact has no meaning whatsoever in the English or any other language. Accordingly, the Panel has no difficulty in finding that the Respondent has no rights or legitimate interests in respect of the disputed domain name "arcelormittalmedia.com".

Finally, Complainant points to the fact, and the Panel agrees with this line of argumentation, that using the disputed domain name, which is confusingly similar to the Complainant's ArcelorMittal trademark, in order to generate PPC commissions by hyperlinking to active websites of Complainant's competitors on the steel market is a clear indication that the disputed domain name was registered and is used by the Respndent intentionally attempting to attract, for commercial gain, Internet users to said website, by creating a likelihood of confusion with Complainant's ArcelorMittal trademark as to the source, sponsorship, affiliation, or endorsement of Respondent's website. Such circumstances shall be evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALMEDIA.COM**: Transferred

PANELLISTS

Name	Stephanie G. Hartung, LL.M.

DATE OF PANEL DECISION 2016-12-22

Publish the Decision