

Decision for dispute CAC-UDRP-104443

Case number	CAC-UDRP-104443
Time of filing	2022-03-25 09:03:24
Domain names	arcelormittalpoland.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	ARCELOMITTAL (SA)
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	bill chill
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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 name.

IDENTIFICATION OF RIGHTS

Complainant is the owner of the international trademark nr. 947686 ARCELOMITTAL registered on 3 August 2007.

FACTUAL BACKGROUND

According to the evidence submitted by Complainant, Complainant is the largest steel producing company in the world. Complainant also owns a number of domain names, including the distinctive words ARCELOMITTAL, of which the domain name <arcelormittal.com> registered on 27 January 2006.

The disputed domain name <arcelormittalpoland.com> was registered on 17 March 2022. According to the information provided by Complainant the disputed domain name does not resolve to an active website and displays an error page.

The trademark registrations of Complainant have been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is confusingly similar to the trademark ARCELOMITTAL. Indeed, the domain name includes the trademark in its entirety. Complainant asserts that the addition of the geographic term "POLAND" is

not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark ARCELORMITTAL.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Respondent is not related in any way with Complainant. Complainant does not carry out any activity for, nor has any business with Respondent. Neither license nor authorization have been granted to Respondent to make any use of Complainant's trademark ARCELORMITTAL, or apply for registration of the disputed domain name by Complainant.

Moreover, the disputed domain name resolves to an error page. Complainant contends that Respondent did not use the disputed domain name, and it confirms that Respondent has no demonstrable plan to use the disputed domain name.

According to Complainant the disputed domain name is registered and is being used in bad faith. Given the distinctiveness of Complainant's trademark and its reputation, it is reasonable to infer that Respondent has registered the disputed domain name with full knowledge of Complainant's trademarks.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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).

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark (Policy, Par. 4 (a)(i)). Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates complainant's trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of trademark registrations for ARCELORMITTAL. The disputed domain name incorporates the entirety of the well-known ARCELORMITTAL trademark as its distinctive element. The addition of the geographic term "Poland" in the disputed domain name, is insufficient to avoid a finding of confusing similarity as the ARCELORMITTAL trademark remains the dominant component of the disputed domain name. The top-level domain "com" in the disputed domain name may be disregarded.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademarks or to register the disputed domain name incorporating its marks. Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. Based on the undisputed submission and evidence provided by Complainant there is no website under the disputed domain name. Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4 (a)(ii)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(a)(iii)). Complainant has rights in the ARCELORMITTAL trademarks. Respondent knew or should have known that the disputed domain name included Complainant’s well-known marks. The Panel notes that there is currently no active website at the disputed domain name. Such passive holding of the disputed domain name does not prevent the Panel from finding registration and use in bad faith. The Panel further notes that the undeveloped use of the website at the disputed domain name which incorporates Complainant’s trademark in its entirety indicates that Respondents registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **ARCELORMITTALPOLAND.COM:** Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2022-05-02

Publish the Decision