

Decision for dispute CAC-UDRP-104553

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| Case number | CAC-UDRP-104553 |
| Time of filing | 2022-05-09 09:10:53 |
| Domain names | arcelormittal-buyers.com, arcelormittal-services.com |

Case administrator

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| Organization | Denisa Bilík (CAC) (Case admin) |
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Complainant

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| Organization | ARCELORMITTAL (SA) |
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Complainant representative

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| Organization | NAMESHIELD S.A.S. |
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Respondent

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| Organization | Fastloc Inc |
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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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of an internationally registered trademark "ArcelorMittal", No. 947686, registered on August 3, 2007 for goods and services in various classes (6, 9, 12, 19, 21, 39, 40-42).

The Complainant also owns a domain names portfolio including the wording "ARCELORMITTAL", such as <ARCELORMITTAL.COM>, registered since January 27, 2006.

FACTUAL BACKGROUND

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

The Complainant is a company active worldwide in steel production. The Complainant uses, inter alia, the domain name <ARCELORMITTAL.COM> as well as its trademark ArcelorMittal for its business and as company name.

The disputed domain names were registered on April 28, 2022. They resolve to a parking page.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are 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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The disputed domain names are confusingly similar to the trademark "ArcelorMittal" of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid trademark rights in "ArcelorMittal".

Neither the addition of the word (i) "buyers" nor the word (ii) "services" is sufficient to escape the finding that the disputed domain names are confusingly similar to the trademark "ArcelorMittal". These added terms are of generic character and do not have significant impact on the distinctiveness of the well-known trademark "ArcelorMittal" in the disputed domain names, nor has the addition of the - obligatory – top-level domain ".com".

B. The Respondent has no rights or legitimate interests in respect of the disputed domain names within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain names, since "ArcelorMittal" is neither a part of the name of Respondent or Respondent's business, nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Moreover, the addition of the generic terms "buyers" resp. "services" indicates that the Respondent intends to use the trademark "ArcelorMittal" for its own purposes. E.g., internet users wishing to buy products from the Complainant or wishing to use its services may tend to use the disputed domain names to contact the Complainant. In the opinion of the Panel, this circumstance is also evidence that the Respondent lacks "own" rights and legitimate interests in the disputed domain names.

Finally, the fact that the disputed domain names link to inactive pages shows, that it is not a bona fide offer of goods or services or a legitimate non-commercial or fair use.

C. The disputed domain names have been registered and are being used in bad faith within the meaning of the Policy.

The Complainant's trademark "ArcelorMittal" is well-known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered the disputed domain names with full knowledge of the Complainant's trademark.

Also, the Complainant has, to the satisfaction of the Panel, argued, that the addition of the terms "buyers" and "services" was intentionally to raise the impression that the disputed domain names link to a website of the Complainant. Given the well-known character of the trademark of the Complainant, it seems impossible that the Respondent has registered both disputed domain names on the same day without knowing such trademark.

Furthermore, the Complainant contends that the disputed domain names links to an inactive website, so that no good faith use of the domain name could be determined.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTAL-BUYERS.COM**: Transferred
2. **ARCELORMITTAL-SERVICES.COM**: Transferred

PANELLISTS

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| Name | Dominik Eickemeier |
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DATE OF PANEL DECISION 2022-06-13

Publish the Decision
