

Decision for dispute CAC-UDRP-104583

Case number	CAC-UDRP-104583
Time of filing	2022-05-16 09:21:45
Domain names	arcelormittalsolutions.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	ARCELORMITTAL (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

The Complainant owns the international trademark for ARCELORMITTAL, registered number 947686, which was registered on 3 August 2007.

FACTUAL BACKGROUND

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

The Complainant is the largest steel producing company in the world. It owns the international trademark ARCELORMITTAL, which was registered on 3 August 2007. It also owns a portfolio of domain names that include the word ARCELORMITTAL, such as the domain name <arcelormittal.com>, registered since 27 January 2006.

The disputed domain name <arcelormittalsolutions.com> was registered on 11 April 2022. It resolves to a landing webpage on which the following message is displayed:

“SORRY! If you are the owner of this website, please contact your hosting provider: webmaster@arcelormittalsolutions.com”.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The 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 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 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

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements:

- i. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in the disputed domain name; and
- iii. the disputed domain name has been registered and used in bad faith.

A. IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant contends that the disputed domain name <arcelormittalsolutions.com> is confusingly similar to its trademark ARCELORMITTAL.

The disputed domain name is comprised of the Complainant's trademark ARCELORMITTAL, the word "solutions" and the top-level domain ".com". The top-level domain ".com" is a standard registration requirement and may be disregarded when considering whether the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The addition of the word "solutions" to the mark ARCELORMITTAL is not sufficient to avoid finding that the disputed domain name is confusingly similar to the trademark ARCELORMITTAL.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark and that the requirements of paragraph 4(a)(i) of the Policy have been met.

B. NO RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name and asserts that:

- i. the Respondent is not known as the disputed domain name;
- ii. the Complainant does not carry out any activity for, nor has any business with the Respondent and has not licensed nor authorised the Respondent to use of the Complainant's trademark, ARCELORMITTAL;
- iii. the disputed domain name resolves to a landing webpage that has the message: "SORRY! If you are the owner of this website, please contact your hosting provider: webmaster@arcelormittalsolutions.com"; and

iv. the Respondent has not used, nor made demonstrable plans to use the disputed domain name since its registration, which demonstrates a lack of legitimate interests in the disputed domain name.

The Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain name. The burden of proof now shifts to the Respondent to show that it has rights or legitimate interests.

The Respondent has not filed a response nor disputed any of the Complainant's assertions, nor given any explanation for registering the disputed domain name that incorporates the Complainant's trademark. The Respondent is not authorized to use the Complainant's the trademark and there is no evidence to show that the Respondent is commonly known by the disputed domain name. The message on the landing page is not evidence of a bona fide or legitimate non-commercial or fair use.

Taking these factors into account, the Panel finds that the Respondent has no rights or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

C. REGISTERED AND BEING USED IN BAD FAITH

The Complainant contends that the disputed domain name has been registered and is being used in bad faith.

The Complainant's well-known and distinctive trademark ARCELORMITTAL predates the registration of the disputed domain name. The Respondent has used a privacy service to register the disputed domain name, which includes the Complainant's trademark and which resolves a landing webpage with the message: "SORRY! If you are the owner of this website, please contact your hosting provider: webmaster@arcelormittalsolutions.com".

Given the renown of the Complainant's trademark, it is reasonable to conclude that the Respondent knew of the Complainant's trademark when he registered the disputed domain name incorporating that mark.

The Complainant asserts that MX servers are configured, which suggests that the disputed domain name may be actively used for email purposes. It impossible to comprehend any plausible actual or contemplated active or legitimate use of the disputed domain name by the Respondent that would not be or an infringement of the Complainant's rights.

The Panel also notes that the Respondent has been involved in several UDRP cases where the Panel has found in favour of the Complainant, including:

- i. CAC Case No. 104529, ARCELORMITTAL (SA) v. bill chill, regarding the domain names <arcelormittalbuy.com>; <arcelormittal-inquiries.com>; <arcelormittal-purchase.com>;
- ii. CAC Case No. 104508, ARCELORMITTAL (SA) v. bill chill, regarding the domain name <arcelormittalteam.com >; and
- iii. CAC Case No. 104279, ARCELORMITTAL (SA) v. bill chill, regarding the domain name <arcelormittal-de.com>.

Taking all these factors into account, the Panel concludes that the disputed domain name was both registered and is being used in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITTALSOLUTIONS.COM**: Transferred

PANELLISTS

Name	Veronica Bailey
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DATE OF PANEL DECISION	2022-06-21
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