

Decision for dispute CAC-UDRP-104709

Case number	CAC-UDRP-104709
Time of filing	2022-07-08 09:15:14
Domain names	arcelormittal-associates.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	Anonymous Anonymous
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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

ARCELORMITTAL S.A. (the Complainant) is a company specialized in steel producing in the world (website at: www.arcelormittal.com).

The Complainant is the largest steel producing company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant is the owner of the international trademark n° 947686 ARCELORMITTAL® registered on August 3rd, 2007.

The Complainant also owns an important domain names portfolio, including the same distinctive wording ARCELORMITTAL®, such as the domain name <arcelormittal.com> registered since January 27th, 2006.

FACTUAL BACKGROUND

The Complainant is the owner of the international trademark since 2007 (as well as trademarks in the UK, registered since

2008) and also owns an important domain names portfolio, including the same distinctive wording ARCELORMITTAL®, such as the domain name <arcelormittal.com> registered since January 27th, 2006.

The disputed domain name <arcelormittal-associates.com> was registered on July 1st, 2022, and resolves to an inactive page.

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 that the Complainant must prove each of the following three elements to obtain an order that the domain name should be transferred:

- (i) the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant owns international trademark registration for the trademark ARCELORMITTAL since 2007. The disputed domain name comprises the Complainant's trademark in its entirety, with the addition of a hyphen and the descriptive term "associates". Neither the hyphen nor the descriptive term would eliminate confusing similarity. The gTLD ".com" should typically be ignored when assessing confusing similarity as established by prior UDRP decisions.

The Panel finds that 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).

B. Rights or Legitimate Interests

The Panel notes that the Respondent, Anonymous Anonymous, is not known for the disputed domain name nor is it related in any way with the Complainant (as reassured by the Complainant). The Complainant states that the Respondent did not make any use of disputed domain name since its registration, which confirms that the Respondent has no demonstrable plan to use

the disputed domain name, and hence, it shows a lack of legitimate interests in respect of the disputed domain name.

The Complainant has made a prima facie showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Additionally, the Respondent has not provided a response to justify or explain any circumstances giving rise to rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant and its trademark are well-known worldwide for metals and steel production. Past panels have confirmed the notoriety of the trademark ARCELORMITTAL® in the following cases CAC Case No. 101908, ARCELORMITTAL v. China Capital, CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd, as well as WIPO Case No. DCO2018-0005, ArcelorMittal SA v. Tina Campbell, according to which Panels have found that "the trademark ARCELORMITTAL is so well-known internationally".

It seems inconceivable, as stated by other panels in the above-mentioned decisions, that the Respondent registered a domain name incorporating the trademark of the Complainant without knowing of it.

In addition, the disputed domain name is inactive and such passive holding is an indication of bad faith in the circumstances of this case. As has been considered by past UDRP panels in similar cases, Panels have considered a number of factors when applying the passive holding doctrine in order to have a finding of bad faith, which are: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

The above-mentioned factors are met in the present case. Hence, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	Laura Martin-Gamero Schmidt
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DATE OF PANEL DECISION	2022-08-15
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Publish the Decision
