

## Decision for dispute CAC-UDRP-104717

Case number CAC-UDRP-104717

Time of filing 2022-07-11 09:51:46

Domain names arcelomittalsa.com

### Case administrator

Organization Denisa Bilík (CAC) (Case admin)

### Complainant

Organization ARCELORMITTAL (SA)

### Complainant representative

Organization NAMESHIELD S.A.S.

### Respondent

Organization Bestinnarknet

#### 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 is the owner of several trademarks and domain names including the word ARCELORMITTAL.

In particular, the Complainant is the owner of the following ARCELORMITTAL trademark:

- International trademark registration n° 947686 "ARCELORMITTAL", in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42, registered on 3 August 2007 ("the Complainant's trademark").

The Complainant also uses multiple domain names consisting of the wording "ARCELORMITTAL", such as <arcelormittal.com>, which is connected to the official website of the Complainant ("the Complainant's domain name").

#### FACTUAL BACKGROUND

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

The Complainant is the world's largest steel producing company and 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 has its headquarters in Luxembourg (see <arcelormittal.com>).

The Complainant uses the ARCELORMITTAL trademark and the <arcelormittal.com> domain name in connection to its activities worldwide.

The Respondent registered the domain name <arcelomittalsa.com> on 3 July 2022 ("the disputed domain name"). The disputed domain name is currently not being used for an active website, and it appears that it has never been used for an active website since it was registered.

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#### PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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).

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#### NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown that the Respondent has no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

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#### BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that 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).

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#### PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the Policy are met and that there is no reason why it would be inappropriate to provide a decision.

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#### PRINCIPAL REASONS FOR THE DECISION

I. The disputed domain name is confusingly similar to the Complainant's trademark

The Panel finds that the disputed domain name <arcelomittalsa.com> is confusingly similar to the Complainant's trademark. The disputed domain name incorporates the Complainant's trademark, albeit with the deletion of the letter R and the addition of the abbreviation "SA", which commonly stands for "Société Anonyme" (i.e. the Complainant's corporate form).

The Complainant rightfully contends that the deletion of the letter "R" and the addition of "SA" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark. The Complainant's trademark is clearly recognizable in the disputed domain name, and accordingly, the disputed domain name is confusingly similar to the Complainant's trademark.

II. 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

The Panel notes that the Complainant has never granted the Respondent any license or authorization to use the Complainant's trademark for the disputed domain name, nor is the Respondent affiliated with the Complainant in any way.

The Panel notes that the Respondent's name or contact details contain no reference to ARCELORMITTAL or similar words or names and is not commonly known under the disputed domain name. Moreover, the disputed domain name is not used for

any active website, and it appears that it has never been used for an active website since it was registered. The Respondent has not by virtue of the content of the website, nor by its use of the disputed domain name shown that the name will be used in connection with a bona fide offering of goods or services.

Therefore, the Panel finds that the Complainant has shown that the Respondent did not make a legitimate use of the disputed domain name for a bona fide offering of goods or services.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

III. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith

The Complainant's trademark is internationally well-known for metals and steel production. The reputation and distinctiveness of the Complainant's trademark indicate that the Respondent likely had knowledge of the Complainant's trademark at the time of the registration of the disputed domain name.

Moreover, the failure of the Respondent to use the disputed domain name for bona fide offerings and hence to present a credible evidence-backed rationale for registering and using the disputed domain name, as well as the passive holding of the disputed domain name, all show that the Respondent has registered and used the disputed domain name in bad faith.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. ARCELOMITTALSA.COM: Transferred

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## PANELLISTS

Name	Tom Joris Heremans
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DATE OF PANEL DECISION 2022-08-12

Publish the Decision

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