Decision for dispute CAC-UDRP-102824

Case number	CAC-UDRP-102824
Time of filing	2019-12-16 15:36:41
Domain names	arceloormittal.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	ARCELORMITTAL (SA)

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Xray Eye & Vision Clinics

OTHER LEGAL PROCEEDINGS

There are no other legal proceedings the Panel is aware of which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trade mark n° 947686 for the standard character mark for the text "ArcelorMittal" registered on 3 August 2007 in classes 6, 7, 89, 12, 19, 21, 39, 40, 41 and 42, in reliance upon an earlier Benelux trade mark registration. This international mark has proceeded to grant either in full or in at least some respects, in over 40 jurisdictions.

FACTUAL BACKGROUND

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

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 with operations in more than 60 countries. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

In addition to its trade mark it holds a portfolio of domain names, which includes the domain name <arcelormittal.com> registered since 27 January 2006.

The disputed domain name <arceloormittal.com> (the "Domain Name") was registered on 10 December 2019. There is no active website operating from the Domain Name is currently inactive.

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

The Panel accepts that this is a clear and obvious case of typo squatting. The only sensible reading of the Domain Name is as a misspelling of the Complainant's name and trade mark with two letter "o"s in place of one, combined with the ".com" top level domain.

It follows from this that the Complainant's mark is clearly recognisable in the Domain Name and that the Complainant thereby holds a mark that is "confusingly similar" to the Domain Name as that term is understood under the UDRP. In this respect see section 1.7 and 1.9 the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the “WIPO Overview 3.0”). The Complainant has therefore made out the requirements of paragraph 4(a)(i) of the UDRP.

Further, typosquatting usually signals an intention on the part of the respondent to confuse users seeking or expecting the complainant (see section 1.9 of the WIPO Overview 3.0). There is no right or legitimate interest in holding a domain name for that purpose and this also usually constitutes evidence that no such right or legitimate interest exists. Also the registration and holding of a domain name to take advantage of such actual or potential confusion will usually involve bad faith registration and use (see sections 3.1.4 and 3.2.1 of WIPO Overview 3.0).

In this case, the exact reasons for registration are unclear, particularly since no operational website appears to have ever operated from the Domain Name. But that does not matter as the Panel is satisfied that the only sensible conclusion, absent any evidence or argument to the contrary, is that the Respondent intended to take some unfair advantage of the association of the Domain Name with the Complainant's marks in some manner or other. That is sufficient for a finding of bad faith registration and use (as to which see, for example, Match.com, LP v. Bill Zag and NWLAWS.ORG, WIPO Case No. D2004-0230). It follows that the Complainant has therefore made out the requirements of paragraph 4(a)(ii) and 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELOORMITTAL.COM**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2020-01-21

Publish the Decision