

Decision for dispute CAC-UDRP-104996

Case number	CAC-UDRP-104996
Time of filing	2022-11-21 09:27:02
Domain names	arcelormittalmediterranee.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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	Maximilien DELANNOY
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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 relies on International Mark No. 947686 for the word mark "ArcelorMittal" registered on 3 August 2007 in classes 6, 7, 9, 12, 19, 21 and 39-42.

FACTUAL BACKGROUND

The Complainant is the largest steel producer in the world. As well as the international trademark "ArcelorMittal" registered in 2007, it owns domain names containing this mark, including <arcelormittal.com>.

The disputed domain name <arcelormittalmediterranee.com> was registered by the Respondent on 13 November 2022 and locates a web page with commercial links.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the word mark "ArcelorMittal". The Panel further finds that the disputed domain name is confusingly similar to this mark, which it contains in its entirety followed by the descriptive term "mediterranee" and the generic top level domain suffix. The addition of the term "mediterranee" does not avoid confusion; on the contrary, Internet users are likely to assume that the disputed domain name has been registered by the Complainant to locate information about its operations in the Mediterranean area.

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 Panel is satisfied on the available evidence that the Respondent has not used the disputed domain name for a bona fide offering of goods or services, nor for a fair or legitimate non-commercial use. The Panel also finds that the Respondent is not commonly known by the disputed domain name or any corresponding name and has not been authorised by the Complainant to register or use the disputed domain name.

In all the circumstances, 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 disputed domain name is obviously confusingly similar to the Complainant's mark and such as to mislead Internet users seeking information about the Complainant into accessing the web page that it locates. The Panel infers that it was registered for that purpose.

The Panel further infers that the commercial links on the page located by the disputed domain name are sponsored so that the Respondent receives commissions when Internet users accessing the page click through to the sponsored websites.

In these circumstances, the Panel finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to its web page for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source of the web page.

In accordance with paragraph 4(b)(iv) of the Policy, these circumstances constitute evidence that the Respondent has registered and is using the disputed domain name in bad faith. This presumption is not displaced by any contrary evidence.

Accordingly, 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

Disputed domain name, consisting of Complainant's registered mark followed by a geographical term and the gTLD suffix, is obviously confusingly similar to the Complainant's mark. Respondent's only use has been to locate a page of sponsored links, evidently in order to profit from confusion with the Complainant's mark. Respondent has no rights or legitimate interests in the disputed domain name and paragraph 4(b)(iv) of the Policy applies.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. arcelormittalmediterranee.com: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION 2022-12-29

Publish the Decision
