Decision for dispute CAC-UDRP-101871

Case number	CAC-UDRP-101871
Time of filing	2018-02-02 09:37:09
Domain names	arrelormittal.com

Case administrator

Name	Iveta Špiclová (Case admin)

Complainant

Organization	ArcelorMittal SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	ABA

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant submitted evidence that it is the registered owner of the following trademark:

International trademark n°947686 ARCELORMITTAL registered on August 3, 2007.

FACTUAL BACKGROUND

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

The Complainant is a company specialised in steel producing and asserts to be the largest steel producing company in the world, with operations in more than 60 countries.

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

Complainant also claims to own an important domain names portfolio, including the domain name <arcelormittal.com> registered and used since January 27, 2006.

The disputed domain name was registered on January 22, 2018.

The website connected to the disputed domain name is not active.

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

A. Identical or confusingly similar

The disputed domain name consists of the Complainant's trademark ARCELORMITTAL, save that the letter 'c' has been substituted with the letter 'r'. There is also the addition of the '.com' suffix, which may be disregarded when it comes to considering whether a domain name is confusingly similar to a trademark in which the Complainant has rights.

As a result, given the distinctiveness of the ARCELORMITTAL trademark and the minor change to the spelling of the disputed domain name, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

B. Rights or legitimate interests:

The Respondent did not file an administratively compliant (or any) response. In the circumstances, the Panel finds from the facts put forward that:

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that he Respondent is not related in any way to the Complainant’s business.

The Complainant further asserts that the Respondent is not authorised or licensed to use the Complainant's trademark ARCELORMITTAL.

The Respondent does not appear to have any trademark rights or legitimate interests associated with the disputed domain name, nor with the word ARCELORMITTAL, nor with the words ARCELOR - MITTAL, nor with the word ARRELORMITTAL, nor

with the words ARRELOR – MITTAL.

The website linked to the disputed domain name is an inactive website.

There is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks at issue.

On the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

C. Bad faith registration and use:

The Panel notes that the ARCELORMITTAL trademark in which the Complainant has rights predates the registration of the disputed domain name.

The Complainant asserts that its trademark ARCELORMITTAL is distinctive and well-known around the world.

In the absence of any evidence to the contrary (or any administratively compliant response) being put forward by the Respondent, the Panel believes from the facts in this case that the Respondent had the ARCELORMITTAL trademark of the Complainant in mind when registering and subsequently using the disputed domain name. The Panel believes that this is a typical case of typosquatting whereby the Respondent reflected a registered trademark in a domain name, while only substituting one letter ('c') by another letter ('r').

In light of these facts, combined with the international business presence of the Complainant, it is highly unlikely that the Respondent would not have been aware of the unlawful character of the disputed domain name at the time of its registration and use.

For all of the reasons set out above, the Panel determines that the disputed domain name was registered and is being used in bad faith within the meaning of 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. **ARRELORMITTAL.COM**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2018-03-14

Publish the Decision