

Decision for dispute CAC-UDRP-105210

Case number	CAC-UDRP-105210
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Time of filing	2023-02-17 09:06:21
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Domain names	adityamittal.info
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Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	ARCELORMITTAL
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Sonal Modha
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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 is the owner of the international registration 1198046 MITTAL registered on December 5, 2013 in classes 6, 40 and being in effect.

FACTUAL BACKGROUND

The Complainant is the world largest steel manufacturing company and is the market leader in steel for use in automotive, construction, household appliances and packaging with 69 million of steel made in 2021.

The disputed domain name <adityamittal.info> was registered on February 13, 2023 and resolves to a parking page with commercial links to third parties, inter alia in the field of steel. The CEO of the Complainant is Mr. Aditya Mittal.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

The Complainant contends that the disputed domain name <adityamittal.info> is confusingly similar to the trademark MITTAL since the domain name wholly incorporates Complainant's mark as well as the domain includes the name of the CEO of the Complainant. The Complainant further contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Given the notoriety of the Complainant's trademark and its reputation, Complainant finally contends that the Respondent has registered and used the domain name with full knowledge of the Complainant's trademark.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) The disputed domain name 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 with respect to the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for "MITTAL". The disputed domain name is confusingly similar to the Complainant's mark since the addition of a first name to a last name usually does not have a relevant influence on the similarity of signs (See also CAC-UDRP 102080 Arcelormittal S.A. vs. Ratnam Smart Business LLP, lakshmimittal.ooo and CAC -UDRP 104125, Bollore SE vs. Ciaran Canning, vincentbollore.com), in particular if the addition is the first name of the CEO of the trademark owner.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark "MITTAL" in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the name "Adityamittal" or that the Respondent is using the

disputed domain name in connection with a bona fide offering of goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Panel does not believe that the application of a domain name being highly similar to a distinctive trademark as the one from Complainant, and including the full name of the CEO of the trademark owner is accidental.

This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant’s authorization.

The circumstances of this case, in particular the commercial advertising links to third parties furthermore indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with 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. **adityamittal.info**: Transferred

PANELLISTS

Name	Dietrich Beier
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DATE OF PANEL DECISION 2023-03-20

Publish the Decision