

Decision for dispute CAC-UDRP-105423

Case number CAC-UDRP-105423

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Domain names arcelocmittal.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization ARCELORMITTAL

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Dulce Maria Villegas

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 trademark No. 947686 "ARCELORMITTAL" registered on August 3, 2007 in several countries.

The Complainant also owns a domain names portfolio, including the domain name <ARCELORMITTAL.COM> registered since January 27, 2006.

FACTUAL BACKGROUND

The Complainant is the largest steel producing company in the world and the market leader in steel for use in automotive, construction, household appliances and packaging with 69.1 million tons crude steel made in 2021. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant uses, inter alia, the domain name <ARCELORMITTAL.COM> and its trademark "ARCELORMITTAL" for its services and as company name.

The disputed domain name has been registered with the Respondent on April 27, 2023. It points to an error page and MX servers are configured.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

1. The disputed domain name is confusingly similar to the trademark "ARCELORMITTAL" of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights for the trademark "ARCELORMITTAL".

The substitution of the letter "C" instead of the letter "R" in the disputed domain name <ARCELOCMITTAL.COM> as well as the addition of the gTLD suffix ".COM" are not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark and do not change the overall impression of the designation as being connected to the trademark of the Complainant. With regard to "ARCELORMITTAL" this is a case of "typosquatting", i.e. the disputed domain name contains an obvious misspelling of the Complainant's trademark.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that 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 use its trademark in a domain name.

Also, the disputed domain name does not correspond to the name of the Respondent and she is not commonly known as "ARCELORMITTAL".

In addition, the disputed domain points to an error page. This passive holding of the domain indicates that the Respondent lacks rights and legitimate interests in the disputed domain name.

Furthermore, the disputed domain name is a typosquatted version of the trademark "ARCELORMITTAL". Since typosquatting is a practice of registering a domain name in an attempt to take advantage of internet users' typographical errors, this circumstance is also evidence that the Respondent lacks rights and legitimate interests in the disputed domain name.

Summarised, there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

3. The disputed domain name has been registered and is being used in bad faith within the meaning of the Policy.

The Complainant's trademark "ARCELORMITTAL" is widely known. Given the distinctiveness of the Complainant's trademark and reputation, especially in the steel industry, and further given the date on which it was registered, it can be concluded that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Also, the passive holding of the domain name with presumed knowledge of the corresponding trademark rights of the Complainant indicates that the Respondent has registered and uses the disputed domain name in bad faith.

Moreover, despite that there is no present use of the disputed domain name, there are active MX records connected to the disputed domain name. The circumstance that MX servers are configured indicates that the disputed domain name may be used for connecting to the servers of an e-mail provider and therefore serve as an indication for the Respondent's bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelocmittal.com**: Transferred

PANELLISTS

Name	Dominik Eickemeier
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DATE OF PANEL DECISION **2023-06-09**

Publish the Decision
