

Decision for dispute CAC-UDRP-105477

Case number	CAC-UDRP-105477
Time of filing	2023-05-29 09:13:55
Domain names	arcelormittal-constructionsk.pics

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	aleksandr filippov
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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

International Trade Mark Registration No. 947886 ArcelorMittal for various goods and services with designated protection in various jurisdictions, including the European Union.

FACTUAL BACKGROUND

The Complainant, ArcelorMittal S.A., is the largest steel producing company in the world. In 2022 it produced 59 million tons in crude steel. It trades under the trade mark "ArcelorMittal" and has registered trade mark rights in numerous jurisdictions dating back to 2007.

The Complaint is also the registrant of various domain names containing, or consisting of, the words "arcelormittal", including <arcelormittal.com> which was first registered in 2006.

The disputed domain name was registered on May 19, 2023. It redirects users to different websites, each displaying nudity or adult-oriented content.

The registrant of the disputed domain name has provided the registrant name of "aleksandr filippov" and an address in India.

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

Paragraph (4)(a) of the Policy lists three elements that the Complainant must prove to merit a finding that the disputed domain names registered by the Respondent be transferred to the Complainant:

- 1) the disputed domain names are identical or confusingly similar to a trademark or service mark ("mark") in which the Complainant has rights; and
- 2) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- 3) the disputed domain names have been registered and are being used in bad faith.

The Panel is satisfied that the Complainant has satisfied all three elements for the principal reasons set out below.

RIGHTS IN AN IDENTICAL OR CONFUSINGLY SIMILAR TRADEMARK

As mentioned above the Complainant asserts it has an international trademark registration consisting of the words ARCELORMITTAL. This registration predates the registration date of the disputed domain names by over a decade.

To satisfy paragraph 4(a)(i) of the Policy it is enough that the Panel is satisfied that the Complainant has registered rights in a trademark that predates the registration of the disputed domain name in a single jurisdiction (even if that single jurisdiction is not one in which the Respondent resides or operates) (Koninklijke KPN N.V. v. Telepathy, Inc D2001-0217 (WIPO 7 May 2001); see also WIPO Case Nos. D2012-0141 and D2011-1436). The Complainant has clearly satisfied such in relation to the trademark ARCELORMITTAL.

The next question is whether the disputed domain name is confusingly similar to the ARCELORMITTAL trademark.

The Panel disregards the gTLD suffix ".pics" for the purpose of this comparison. It is of no brand significance and likely to be totally ignored by web users. Such web users are likely to focus entirely on the only distinctive element in the disputed domain name, being the ARCELORMITTAL-CONSTRUCTIONSK element.

In observing this element, the suffix "-CONSTRUCTIONSK" will also be likely ignored by web-users. It is a description term for services following by the two letters that are ccTLD for slovakia. Hence the similarities between the ARCELORMITTAL trademark and the disputed domain name are striking.

The disputed domain name is therefore confusingly similar to the ARCELORMITTAL trademark.

NO RIGHTS OR LEGITIMATE INTERESTS

The Respondent's name bears no resemblance to "ARCELORMITTAL-LIMITED". Further, the websites to which the disputed domain name resolve do not indicate any right or legitimate interest in the disputed domain name.

The Respondent has no rights or interests in the disputed domain name.

BAD FAITH

The ARCELORMITTAL is a well-known trademark that used internationally. It is also unusual and distinctive.

It is entirely unforeseeable that a reasonable person residing in India could register the strikingly similar disputed domain name without knowledge of the Complainant's rights.

The Panel finds that the Respondent had such prior knowledge at the time of registering the disputed domain names and therefore its only purpose in registering the disputed domain name was to opportunistically profit from confusing similarity. The Respondent clearly targeted the Complainant's well-known trademark for this purpose.

Further, the Respondent's use of the domain to direct to websites containing nudity and adult-oriented content will confuse web-users into believing such conduct is endorsed by the Complainant. Such use is an obvious attempt to disrupt the Complainant's business in the hope of opportunistically profiting (such as by way of eliciting money from the Complainant in exchange for a transfer).

Therefore, in consideration of all the circumstances the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **arcelormittal-constructionsk.pics**: Transferred

PANELLISTS

Name	Andrew Sykes
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DATE OF PANEL DECISION 2023-06-24

Publish the Decision