

**Decision for dispute CAC-UDRP-105573**

Case number	<b>CAC-UDRP-105573</b>
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Time of filing	<b>2023-06-27 09:59:43</b>
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Domain names	<b>laxmimittal.com</b>
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**Case administrator**

Name	<b>Olga Dvořáková (Case admin)</b>
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**Complainant**

Organization	<b>ARCELORMITTAL</b>
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**Complainant representative**

Organization	<b>NAMESHIELD S.A.S.</b>
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**Respondent**

Name	<b>Mahesh Sharma</b>
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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 following trademarks:

- International Trademark Registration No. 1198046 for MITTAL (word mark), registered on December, 5<sup>th</sup>, 2013, in classes 6 and 40.
- European Trademark Registration No. 003975786 for MITTAL (word mark), registered on December, 1<sup>st</sup>, 2005 in classes 6 and 40.

## FACTUAL BACKGROUND

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

The Complainant is a well-established steel producing company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging with operations in more than 60 countries.

The Complainant is the owner of several trademarks containing the term “MITTAL”, previously registered in different countries.

The Complainant owns an important domain names portfolio containing the wording MITTAL, such as the domain name <lakshmimittal.com> registered since 12 July, 2007 and <arcelormittal.com> registered since January 27<sup>th</sup>, 2006.

The disputed domain name <laxmimittal.com> was registered on June 20<sup>th</sup>, 2023, and resolves to a parking page.

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#### PARTIES CONTENTIONS

##### THE COMPLAINANT:

The Complainant is the owner of several trademarks containing the term “MITTAL”, such as the international trademark n° 1198046 MITTAL, registered on December 5th, 2013 and the European trademark n° 4233301 MITTAL, registered since December 1st, 2005.

The Complainant states that the disputed domain name is confusingly similar to the Complainant’s trademark MITTAL. Indeed, the trademark is included in its entirety. Moreover, “LAXMI” placed at the beginning of the disputed domain name is a variation of the name “LAKSHMI”, which makes a reference to the Complainant’s executive chairman Lakshmi MITTAL. Finally, the Complainant contends that the addition of the Generic Top-Level Domain suffix “.COM” does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark MITTAL, or apply for registration of the disputed domain name by the Complainant.

Given the distinctiveness of the Complainant’s trademark MITTAL which was declared as a well-known trademark in other administrative proceedings, according to the Complainant, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant’s trademark.

Moreover, this disputed domain name resolves to a parking page and the Respondent has not demonstrated any activity in respect of the disputed domain name since its creation, which is, in view of the Complainant, a sign of illegitimate use, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant’s rights under trademark law.

Finally, the Complainant points out, that the incorporation of a famous mark into a domain name, coupled with an inactive website, may be also evidence of bad faith registration and use.

##### THE RESPONDENT:

The Respondent did not reply to the Complainant’s contentions.

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#### 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).

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#### 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).

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#### 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).

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

REASONS FOR THE DECISION

The Complainant is owner of a trademark family whose common distinctive element is a particle “MITTAL”, having trademark registrations in various countries, such as the International Registration No. 1198046 from December 5<sup>th</sup>, 2013, designing more than 30 countries.

The disputed domain name <laxmimittal.com> comprises of the distinctive element “MITTAL” which is preceded by a particle “-lax” which does appear to make suggestion to the name of Mr. Lakshmi Mittal, an Executive Chairman of the Complainant, therefore has a low degree of distinctiveness comparing to the word “MITTAL”.

Given that the Complainant’s trademark MITTAL is fully comprised within the disputed domain name and that the additional element has lower degree of distinctiveness, the Panel considers that the disputed domain name is confusingly similar to Complainant’s previously registered trademarks.

As far as the Top-Level domain “.com”, the Panel shares the Complainant’s argument in the sense that this particle has rather technical function and does not outweigh the overall similar impression <laxmimittal.com> and “MITTAL” trademarks leave.

The Panel thus concludes that paragraph 4(a)(i) of the Policy is satisfied.

Furthermore, the Complainant states that the Respondent is not affiliated with or authorized by the Complainant in any way and that the Respondent does not appear to be commonly known by the disputed domain name or by the name “MITTAL” or by a name corresponding to the disputed domain name.

Finally, the website at the disputed domain name is currently inactive and there is no evidence of it having ever been associated with any goods or services.

Therefore, and in the absence of a Response, the Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name.

Consequently, the Panel finds that the requirements of paragraph 4(a)(ii) of the Policy are met.

As to the bad faith at the time of the registration, the Panel finds that, in light of the distinctiveness of the Complainant’s trademarks with which the disputed domain name is confusingly similar, and due to the worldwide presence of the Complainant’s business known under the name MITTAL and the publicly known personal name of Mr. Lakshmi Mittal and information about his position in high management of the Complainant, the Respondent was most likely aware of the Complainant’s trademarks at the time of the registration of the disputed domain name.

Bearing in mind these circumstances and the fact that the disputed domain name resolves to a parking page, the Respondent can be deemed to have registered the domain name to create an association, and a subsequent likelihood of confusion, with the Complainant’s trademark in Internet users’ mind for whatsoever unfair purpose.

Under such circumstances, the Panel finds that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied 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. **laxmimittal.com**: Transferred

PANELLISTS

Name	Hana Císlerová
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DATE OF PANEL DECISION 2023-08-01

Publish the Decision