

Decision for dispute CAC-UDRP-105531

Case number	CAC-UDRP-105531
Time of filing	2023-06-15 10:15:51
Domain names	arcelormittal-net.com, arcelormittal-org.com

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	bill chill
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence that it is the owner of the international trademark ARCELORMITTAL No. 947686, registered on 3 August 2007 in Nice Classification List classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 on the basis of an original registration with the Benelux Office for Intellectual Property.

The Complainant has also adduced evidence that the Complainant is the registrant of the domain name <arcelormittal.com>, registered on 27 January 2006. The Complainant claims without submitting evidence to have a wider portfolio of domain name registrations.

The disputed domain names <arcelormittal-net.com> and <arcelormittal-org.com> were registered by the Respondent on 8 and 9 June 2023, respectively, according to the Registrar Verification obtained by the CAC Case Administrator.

FACTUAL BACKGROUND

The Complainant is the largest steel producing company in the world and is the market leader in steel for automotive, construction, household appliances and packaging use, with 59 million tonnes of crude steel made in 2022. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

Both of the disputed domain names resolve to registrar parking pages, as demonstrated by screen shots provided by the Complainant,

while similar screenshots show that MX servers are configured for each of them.

The Panel's routine scrutiny of the Case File disclosed significant irregularities in the contact details given for the Respondent, notably "newline 21" for the street name in New York City and "AE" for a United States abbreviation for a federal state, instead of "NY" for New York State. ("AE", by contrast, is the ISO ccTLD code for the United Arab Emirates.)

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that:

- addition of the terms "net" and "org" in the disputed domain names do not suffice to escape a finding that they are confusingly similar to the Complainant's trademark and branded goods;
- the Respondent is not identified in the Whois database as the disputed domain names, has no rights or legitimate interest in respect of the disputed domain names, is not authorized or licensed to use the Complainant's brand, and is not related to the Complainant in any way;
- given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainant's trademark and thus in bad faith, whereas it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain names by the Respondent that would not be illegitimate.

The Complainant added in the last respect on the point of bad faith use that, although the disputed domain names may appear to be unused to date, MX records suggest that they may be being actively used for email purposes.

RESPONDENT: NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are 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 names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names have been registered and are 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 the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that:

- (1) it exercised its general powers under Paragraph 10 of the Rules to perform a brief check of the Respondent's registration details as part of the Panel's scrutiny of the Case File;
- (2) in its résumé of the Parties' contentions, citation of Decisions of past Panels contained in the Amended Complaint has not been repeated by reason of their superfluity;
- (3) a procedural contention made by the Complainant that it needs only prove a prima facie case is senseless in an uncontested case displaying compelling evidence on all factors related to the UDRP three-part cumulative case and thus this contention warrants no further consideration.

PRINCIPAL REASONS FOR THE DECISION

The Complainant has had no difficulty in showing its own rights in this proceeding and that they have been flagrantly violated by the Respondent's registration and use of the disputed domain names.

These incorporate, identically, the entirety of the Complainant's trademark, followed in the first case by a hyphen accompanied by the string "net" and in the second by "org" before the gTLD technical extension <.com>. The use of hyphens in the disputed names and the addition of the technical gTLD suffix <.com> make no difference to the confusing similarity with the Complainant's brand and domain name. The transparent purpose in adding the strings "-net" and "-org" respectively is to create a misleading association in the internet user's mind with the gTLD extensions <.net> and <.org>.

Other evidence in this proceeding goes to further substantiate the Respondent's illegitimate intention in registering the disputed domain names. The Respondent's supposed identity of "Bill Chill" is a sham. The present Panelist already found so in a previous proceeding (CAC Case No. 104508) that was brought in 2022 by the same Complainant. In that proceeding, suspicious contact details in Sweden were found to be given in bad faith. In this proceeding, even more obviously false ones are given, as is indicated from the Panel's scrutiny of the Case File mentioned under Factual Background, above.

The Panel furthermore finds it significant that MX servers associated with the disputed domain names have -- as in the 2022 Decision just mentioned -- been activated, indicating probable actual bad faith use by way of impersonating the Complainant in e-mails targeted at internet users or of active preparation to do so.

The above is more than enough to find that the UDRP three-part test has been met in this case.

The Panel accordingly ORDERS the disputed domain names to be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelormittal-net.com**: Transferred
2. **arcelormittal-org.com**: Transferred

PANELLISTS

Name	Kevin Madders
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DATE OF PANEL DECISION	2023-08-01
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Publish the Decision
