

Decision for dispute CAC-UDRP-105671

Case number CAC-UDRP-105671

Time of filing 2023-08-01 09:46:10

Domain names arcelomiittal.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization ARCELORMITTAL

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Manuel Gomez

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.

FACTUAL BACKGROUND

The Complainant claims to be the largest steel producing company in the world, and the market leader in steel for use in automotive, construction, household appliances and packaging – with 59 million tons crude steel made in 2022. The disputed domain name <arcelomiittal.com> was registered on July 24, 2023, and resolves to the Namecheap registrar's parking page containing commercial links. In addition, MX servers are configured for the disputed domain name.

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). The Complainant is the owner of the international trademark No. 947686 ARCELORMITTAL registered on August 3, 2007. The obvious misspelling of the Complainant's trademark (i.e. the deletion of the letter "R" and the addition of the letter "I") is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. Consequently, the disputed domain name <arcelomiittal.com> is confusingly similar to Complainant's trademark.

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). The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied this element of the Policy.

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name. Thus, the Respondent is not known as the disputed domain name. 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, or to apply for registration of the disputed domain name by the Complainant.

In the absence of any response from Respondent, or any conceivable legitimate use of the typosquatted domain name, the Panel finds that Complainant prevails on this element 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). Given the distinctiveness of the Complainant's trademark and reputation, and the close similarity of the trademark and the disputed domain, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. Indeed, the Panel finds that the misspelling of the trademark ARCELORMITTAL® was intentionally designed to be confusingly similar with the Complainant's trademark. The Complainant also provides DNS evidence that the Respondent has created MX records to send e-mail to and from the disputed domain name. It appears to the Panel that any such e-mail activity is highly likely to be in bad faith. Indeed, in absence of any response, and based on the aforementioned evidence and argument, it appears to the Panel that there can be no legitimate use of the disputed domain name by Respondent, and any use of the disputed domain by Respondent is highly likely to be in bad faith effort to target Complainant and/or internet users with nefarious communications. Therefore, the Panel is satisfied that Complainant has met its burden to prove that the disputed domain has been registered and used in bad faith.

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

The disputed domain is a typosquatted version of Complainant's well-known trademark, with no legitimate purpose, which can only have been registered and 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. **arcelomiittal.com**: Transferred

PANELLISTS

Name	Mike Rodenbaugh
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DATE OF PANEL DECISION **2023-08-31**

Publish the Decision
