

Decision for dispute CAC-UDRP-105688

Case number	CAC-UDRP-105688
Time of filing	2023-08-04 10:16:55
Domain names	corporate-arcelormital.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	Jean Michel
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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 international trademark registration no. 947686 "ArcelorMittal", registered on August 3, 2007 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant, recognized as the world's largest steel-producing company and a market leader in steel applications for automotive, construction, household appliances, and packaging, reported a production of 59 million tons of crude steel in 2022. The company maintains substantial captive raw material supplies and operates extensive distribution networks. Information about the Complainant's products and services is available online at <arcelormittal.com>.

The disputed domain name was registered on February 5, 2019, and is currently being used for a website containing advertising links, which are provided by the Registrar.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant argues that the disputed domain name is confusingly similar to the Trademark. The addition of the term "corporate" and the omission of the letter "t" are, according to the Complainant, insufficient to distinguish the disputed domain name from the Trademark.

Furthermore, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant points out that the Respondent is not associated with the disputed domain name, has no legitimate claim to it, is not affiliated with the Complainant's business, and is not authorized to use the Trademark. The Complainant also contends that the Respondent has no evident plans for legitimate use of the disputed domain name.

Lastly, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant argues that their trademark is widely recognized and highly distinctive, making it reasonable to assume that the Respondent was aware of the trademark when registering the domain name. The Complainant also states that the Respondent has provided no evidence of any actual or contemplated good faith use by it of the disputed domain name that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. The Complainant finally argues that the disputed domain name has been set up with MX records which suggests that it may be actively used for e-mail purposes.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

1.

The Panel acknowledges that the disputed domain name is indeed confusingly similar to the Trademark, as it fully incorporates the well-established Trademark, with the only discrepancy being the letter "t" at the end of the second-level domain name. This constitutes a clear case of typosquatting. Moreover, it is established that a domain name that entirely incorporates a trademark may still be considered confusingly similar to that trademark under the Policy, even when supplemented with generic terms like "corporate."

2.

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent has not contested these assertions in any manner and, therefore, has failed to demonstrate any rights or legitimate interests in the disputed domain name.

3.

The Panel is also satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and the disputed domain name obviously reflects a typo of the Trademark, which indicates that the disputed domain name was registered having the Complainant and the Trademark in mind.

Regarding bad faith use, by utilizing the disputed domain name for a landing page featuring advertising links promoting third-party products and services, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy. It is well-established that a respondent, as the registered owner of the domain name, bears ultimate responsibility for the information available on the website and all content posted there, regardless of its origin or the parties profiting from its commercial use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **corporate-arcelormital.com**: Transferred

PANELLISTS

Name	Peter Müller
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DATE OF PANEL DECISION	2023-09-14
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Publish the Decision
