

## Decision for dispute CAC-UDRP-105836

Case number	CAC-UDRP-105836
Time of filing	2023-10-02 10:42:47
Domain names	plantaarcelormittal.com

### Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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

Organization	pagina cobre
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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 has evidenced to be the owner of various trademarks relating to its company name and brand ARCELORMITTAL, including, but not limited to the following:

Word mark ARCELORMITTAL, International registration (World Intellectual Property Organization, WIPO), registration No.: 947686, registration date: August 3, 2007, status: active.

Also, the Complainant has substantiated to own since 2006 the domain name <arcelormittal.com>, which resolves to the Complainant's main website at "www.arcelormittal.com", used to promote the Complainant's products and related services in the steel industry worldwide.

#### PARTIES CONTENTIONS

Complainant:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

Respondent:

No administratively compliant response has been filed.

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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

First, the Panel finds that the disputed domain name <plantaarcelormittal> is confusingly similar to the Complainant's ARCELORMITTAL trademark, as it incorporates the latter entirely, simply added (preceded) by the descriptive term "planta" (Spanish for "plant" or "factory"). Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered at least confusingly similar to that trademark. Also, it has been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that the mere addition of descriptive or other terms, such as e.g. the term "planta" (which even refers to the Complainant's core business), is not capable to dispel the confusing similarity arising from the entire incorporation of the Complainant's ARCELORMITTAL trademark in the disputed domain name.

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Second, the Complainant contends, and the Respondent has not objected to these contentions, that the Respondent has neither made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent commonly known under the disputed domain name, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain. The Respondent has not been licensed or otherwise authorized to use the Complainant's ARCELORMITTAL trademark, either as a domain name or in any other way. Also, there is no reason to believe that the Respondent's name somehow corresponds with the disputed domain name and the Respondent does not appear to have any trademark rights associated with the term "arcelormittal" on its own. Finally, the Complainant has demonstrated that, while the disputed domain name resolves to an error page, MX servers have been activated, possibly for the purpose of sending unauthorized/illegal e-mails under the disputed domain name. Such making use of the disputed domain name, obviously in a fraudulent manner, neither qualifies as a bona fide nor as a legitimate noncommercial or fair use under the UDRP and may not of itself confer rights or legitimate interests therein.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that, therefore, the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Third, the Panel holds that the disputed domain name was registered and is being used by the Respondent in bad faith. It is obvious from the circumstances to this case (e.g. from the inclusion of the term "planta" (meaning "plant" or "factory") in the disputed domain name) that the Respondent was aware of the Complainant's business and its rights in the undisputedly well-known ARCELORMITTAL trademark when registering the disputed domain name, and that the latter is directly targeting such trademark. Moreover, activating MX servers under the disputed domain name, which is confusingly similar to the Complainant's undisputedly well-known ARCELORMITTAL trademark, at least allows the assumption that the Respondent intends to make use at some point of the disputed domain name in connection with unauthorized email services which, in turn, are inconceivable of being of a good faith

nature. Accordingly, such circumstances are evidence of registration and use of the disputed domain name in bad faith within the larger meaning of paragraph 4(b)(iv) of the Policy.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **plantaarcelormittal.com**: Transferred

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## **PANELLISTS**

<b>Name</b>	<b>Stephanie Hartung</b>
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DATE OF PANEL DECISION **2023-10-26**

**Publish the Decision**

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