Decision for dispute CAC-UDRP-106053

Case number	CAC-UDRP-106053
Time of filing	2023-12-11 10:42:16
Domain names	arcelormiittal.co

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Adam Seiutyn

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 proved to be the owner of the international trademark n° 947686 ARCELORMITTAL® registered on August 3rd, 2007, designating multiple countries. The Complainant also owns the domain name <arcelormittal.com> registered on January 27th, 2006.

FACTUAL BACKGROUND

According to the Complainant submissions, Arcelormittal is the largest steel producing company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging, operating worldwide.

The disputed domain name ("arcelormiittal.co") was registered on December 1st, 2023 and resolves to a page with inactive links. MX servers are configured.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant claims that the disputed domain name is composed by a misspelling of the ARCELORMITTAL trademark. The Complainant adds that the obvious misspelling of the Complainant's trademarks is characteristic of a Typosquatting practice intended to create confusing similarity between the trademark and the disputed domain name.

The Complainant supports its allegations citing several UDRP decisions which confirmed that minor spelling variations do not prevent domain names from being confusingly similar to the Complainant's trademarks.

The Complainant contends that TLD are disregarded when assessing confusing similarity as they are considered as standard registration requirements.

The Complainant claims that the Respondent has no rights nor legitimate interest in registering the disputed domain name. According to the Complainant assertions, there is no evidence that the Respondent is known as the disputed domain name or is, in some way, authorized to use the ARCELORMITTAL trademark.

Finally, the actual use of the disputed domain name is not considered a "bona fide offering of goods or services" or a "legitimate noncommercial or fair use" for the purposes of the Policy.

As regards registration and use in bad faith, the Complainant claims that since the ARCELORMITTAL trademark is widely known, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's rights.

Bad faith could be inferred also by the fact that the disputed domain name is a misspelling of the ARCELORMITTAL trademark.

RESPONDENT:

The Respondent did not file any response in this proceeding.

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

1.The disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

The Complainant has successfully proved to be the owner of the trademark ARCELORMITTAL and of the domain name <arcelormittal.com>.

The Panel finds that the trademark “ARCELORMITTAL” is fully recognizable in the disputed domain name as the addition of the letter "i" has no significant impact in the confusing similarity assessment.

According to a consolidated case law in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in it, the confusing similarity threshold is met.

The Panel agrees with the Complainant's allegations according to which the disputed domain name appears to be a clear case of typosquatting.

Furthermore, the addition of domain name extension is generally disregarded in view of its technical function.

As a consequence, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, for the purposes of the First Element of the Policy.

2. The Respondent lacks rights or legitimate interests in the disputed domain name.

Pursuant to paragraph 4(a)(ii) of the Policy, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

In this case, the Panel finds that the Complainant's submitted evidence and allegations are sufficient to establish a prima facie case of Respondent's lack of rights and legitimate interests in the disputed domain name.

According to the information provided by the Complainant and not contested by the Respondent, Mr. Adam Seiutyn is not commonly known by the disputed domain name nor he is authorized to use the Complainant's trademark "ARCELORMITTAL".

Additionally the disputed domain name is not used in good faith for the purposes of the Policy since it points to a parking page with commercial links ("PPC"). The sign ARCELORMITTAL or its mispelled version "ARCELORMIITAL" have no dictionary meaning that justifies the nature of the links promoted on the website. It is clear, in the view of the Panel, that such links are a way for exploit the reputation of the complainant's trademarks for economic reasons.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of the Policy.

3. The disputed domain name was registered and is used in bad faith.

The Panel finds the following circumstances as material in order to establish the Respondent's bad faith in the registration of the disputed domain name:

(i) the disputed domain name was registered well after the Complainant acquired rights on the trademark ARCELORMITTAL;

(ii) the Complainant's trademark is widely known as confirmed by previous Panels (CAC Case No. 101908; CAC Case No. 101667). The reputation of the trademark ARCELORMITTAL makes it very improbable that the Respondent was not aware of the Complainant's exclusive rights on ARCELORMITTAL at the time of the registration of the disputed domain name;

(iii) the disputed domain name is a clear and obvious misspelling of the Complainant's trademark (i.e. typo squatting). Previous panels found that typosquatting discloses an intention on the part of the respondent to confuse users seeking or expecting to find a website related to the Complainant.

Currently, the disputed domain name points to a PPC page. As said above, the Panel takes the view that such links generate pay-per-click revenues by exploiting the ARCELORMITTAL trademark without the Complainant's authorization. ARCELORMITTAL is a made up word; thus there is not a descriptive meaning of this word that may justifiy the PPC links. Such use is, according to the Panel, a use in bad faith.

Moreover the Complainant proved that MX records are active on the disputed domain name.

All above considered the Panel finds the evidence submitted as sufficient to prove use and registration in bad faith of the disputed domain name for the purposes of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelormiittal.co**: Transferred

PANELLISTS

Name	Andrea Mascetti

DATE OF PANEL DECISION 2024-01-14

Publish the Decision