Decision for dispute CAC-UDRP-106090

Case number	CAC-UDRP-106090
Time of filing	2023-12-21 09:17:40
Domain names	arcelor.shop

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	MEI WANG

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. 778212 “Arcelor” registered on February 25, 2002 in various countries.

The Complainant also owns a domain names portfolio including the same distinctive wording ARCELOR, such as <arcelor.com> registered and used since August 29, 2001.

FACTUAL BACKGROUND

The Complainant 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 with 59 million tons crude steel made in 2022. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant uses, inter alia, its international trademark “Arcelor” as well as the domain name <arcelor.com> for its services.

The disputed domain name <arcelor.shop> was registered on December 15 , 2023 and redirects to a Dan.com page where it is offered for sale for 1,450 USD.

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).

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

1. The disputed domain name is confusingly similar to the trademark “Arcelor” of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights to the trademark “Arcelor”.

The disputed domain name includes the Complainant's trademark in its entirety, without any addition or deletion.

Moreover, as noted in many previous UDRP decisions, the Top-Level Domains ("TLD") designation such as ".com", ".net" or ".org" are typically not to be considered when assessing the issue of identity and confusing similarity, except in certain cases where the applicable gTLD suffix may itself form part of the relevant trademark. This applies here as well, as the TLD ".shop" is identified by the internet users as a TLD.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Further, the disputed domain name does not correspond to the name of the Respondent nor is he commonly known as “Arcelor”.

Due to the intended sale of the disputed domain name via the platform "Dan.com" for $1,450 USD, fair use cannot be assumed either. The disputed domain name is used for commercial purposes.

Summarised, there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

3. The disputed domain name has been registered and is being used in bad faith within the meaning of the policy.

The Complainant’s trademark “Arcelor” is widely known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered and is using the disputed domain name with full knowledge of the Complainant's trademark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelor.shop**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2024-01-19

Publish the Decision