Decision for dispute CAC-UDRP-106160

Case number	CAC-UDRP-106160
Time of filing	2024-01-15 12:42:41
Domain names	arcelormeittertrades.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	jitecer

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 alleges to be the owner of the International registration with number 778212 for the word mark "ARCELOR", registered on February 25, 2002 for goods and services in classes 1, 6, 7, 9, 12, 37, 40 and 42. The registration designates many countries worldwide.

According to the copy of the registration which the Complainant submitted, this trademark is, however, registered by ArcelorMittal France. The Panel infers from this registration that the Complainant, as parent company, is licensee of said ARCELOR trademark. The Complainant is therefore considered to have rights in said trademark under the UDRP for purposes of standing to file the Complaint (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0"), par. 1.4.1).

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.

On December 23, 2023 the Respondent registered the disputed domain name <arcelormeittertrades.com>. The disputed domain

name resolves to a website regarding the trade in especially cryptocurrency, and has been set up with MX records.

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

1. The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark ARCELOR which was registered prior to the registration of the disputed domain name. The disputed domain name wholly incorporates the Complainant's trademark. The fact that the term "meittertrades" is added does not eliminate the similarity between Complainant's trademark and the disputed domain name, as it remains undisputed that "meitter" evokes the sequence “MITTAL” of the Complainant’s company and trade name, and, together with “trade” does not prevent the Complainant’s trademark from being recognizable within the disputed domain name (e.g., CAC-UDRP-105737).
2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent was not commonly known under the disputed domain name or authorized by the Complainant to register and use the disputed domain name, while the Respondent has been using the disputed domain name to attract Internet users by creating a likelihood of confusion between the disputed domain name and the ARCELOR trademark for its commercial gain. The Complainant's allegations were not challenged by the Respondent.
3. In the absence of a Response, and given that ARCELOR is not a dictionary and/or commonly used term but rather a trademark with a reputation (e.g., CAC-UDRP-105737; Arcelormittal v. PrivacyProtect.org / Mr. Singh (tajgroup@avipl.com), Taj Pharmaceuticals Ltd., Taj Group of Companies, WIPO Case No. D2010-0899; Arcelormittal (SA) v. Floyd Martins, WIPO Case No. DME2018-0005), the Panel infers that the Respondent must have had the Complainant's trademark in mind when registering the disputed domain name, which was therefore registered in bad faith.
4. Further, the disputed domain name resolves to a website which presents itself as a trading platform which takes advantage of the confusing similarity between the disputed domain name and the ARCELOR trademark in order to profit

from the goodwill associated with the ARCELOR trademark, which constitutes use in bad faith. This is further enhanced by the fact that the Complainant also alleged that Respondent set up Mail Exchange records ("MX records") to enable sending and receiving emails from the disputed domain name. In absence of a Response the Panel considers it likely that the disputed domain name may have been used for unlawful purposes (e.g., BOLLORE SE v. Contact Privacy Inc. Customer 1247853759 / Angela Chaney, WIPO Case No. D2020-2050 and PrideStaff, Inc. v. Perfect Privacy, LLC / Marcheta Bowlin, Midwest Merchant Services, WIPO Case No. D2021-3165).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelormeittertrades.com**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2024-02-14

Publish the Decision