Decision for dispute CAC-UDRP-106291

Case number	CAC-UDRP-106291
Time of filing	2024-02-29 09:06:16
Domain names	acrcelormittal.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	John Carter

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 n° 947686 **ARCELORMITTAL** registered on August 3rd, 2007.

The Complainant further owns domain name <**arcelormittal.com**> registered since January 27th, 2006.

The disputed domain name <**acrcelormittal.com**> was registered on February 20th, 2024.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

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 is the owner of the international trademark ARCELORMITTAL registered on August 3rd, 2007 and owner of the domain name <arcelormittal.com> registered since January 27th, 2006. The disputed domain name <acrcelormittal.com> was registered on February 20th, 2024, and resolves to an inactive website.

The Complainant states that the disputed domain name is confusingly similar to its trademark ARCELORMITTAL and its domain names associated, as it includes the Complainant's trademark in its entirety. The obvious misspelling of the Complainant's trademark ARCELORMITTAL (i.e. the addition of the letter "C") is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. Previous panels have found that the slight spelling variations does not prevent a domain name from being confusing similar to the Complainant's trademark (WIPO Case No. D2020-3457). Furthermore, the Complainant contends that the addition of gTLD ".COM" does not change the overall impression of the designation as being connected to its trademark.

The Complainant states that the Respondent has no rights or legitimate interests in respect of the domain name. The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the UDRP. The Respondent is not identified in the Whois database as the disputed domain name and thus is not commonly known by a disputed domain name. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark or apply for registration of the disputed domain name by the Complainant.Furthermore, the disputed domain name is a typosquatted version of the Complainant's trademark. The typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name (Forum Case No. 1597465). Finally, the disputed domain name points to an inactive page. The Complainant contends that the Respondent did not use the disputed domain name, and it confirms that Respondent has no demonstrable plan to use the disputed domain name (Forum Case No. FA1773444).

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The disputed domain name is confusingly similar to the Complainants distinctive trademark. Past panels have confirmed the notoriety of the trademark ARCELORMITTAL in the following cases: CAC Case No. 101908, ARCELORMITTAL v. China Capital and CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd. Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. The Complainant states the misspelling of the trademark ARCELORMITTAL was intentionally designed to be confusingly similar with the Complainant's trademark. Previous UDRP Panels have seen such actions as evidence of bad faith (Forum Case No. FA 877979). Furthermore, the disputed domain name points to an inactive page. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent 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. As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use (WIPO Cases No. D2000-0003 or D2000-040).

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

i. The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
ii. The respondent has no rights or legitimate interests in respect of the domain name; and
iii. The domain name has been registered and is being used in bad faith.

Identical or Confusingly Similar

The Complainant has established the fact that it has valid rights for the international trademark n° 947686 ARCELORMITTAL registered on August 3rd, 2007, and that it owns domain name including the same distinctive wording ARCELORMITTAL. The disputed domain name has been registered on February 20th, 2024, i.e. more than 16 years after the ARCELORMITTAL trademark registration, and wholly incorporates the Complainant's trademark ARCELORMITTAL.

The letter "C" added to the second position within the term ARCELORMITTAL does not distinguish the disputed domain name from the Complainant's trademark and more likely demonstrates the typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. The addition of the generic top level domain ".COM" does not change the overall impression of the designation as being connected to Complainant's trademark.

The Panel therefore considers the disputed domain name to be confusingly similar to the Complainant's trademark ARCELORMITTAL which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

Rights or Legitimate Interests

The Complainant has established a prima facie case (not challenged by the Respondent who did not file any response to the complaint) that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name resolves to an inactive webpage and such use does not constitute a bona fide offering of goods and services or a legitimate noncommercial fair use. It has not been proved by the Respondent that he has rights or legitimate interests in the disputed domain name, or the Respondent is related with the Complainant. Neither license nor authorization has been proven to be granted to the Respondent to make any use of the Complainant's trademark or apply for registration of the disputed domain name.

The Panel therefore considers that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

Registered and Used in Bad Faith

Given the distinctiveness of the Complainant's trademark and reputation (as confirmed in several UDRP proceedings in the past - CAC Case No. 101908, ARCELORMITTAL v. China Capital; CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd) it is evident that the Respondent had the Complainant and its trademark in mind when registering the disputed domain name containing the entire Complainant's trademark. The Panel considers such use of the Complainant's trademark as the evidence of bad faith registration and use. Moreover, the misspelling of the trademark ARCELORMITTAL (by adding the letter "C") was intentionally designed to be confusingly similar with the Complainant's trademark.

The Panel therefore considers that 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.

The Panel finally considers that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, the Respondent has no rights or legitimate interests in respect of the disputed domain name and the disputed domain name has been registered and is being used in bad faith. The Complainant has thus established all three elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **acrcelormittal.com**: Transferred

PANELLISTS

Name	**Petr Hostaš**

DATE OF PANEL DECISION 2024-03-26

Publish the Decision