Decision for dispute CAC-UDRP-106331

Case number	CAC-UDRP-106331
Time of filing	2024-03-07 09:19:20
Domain names	mittalgroupofcompanies.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	li houchang

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 owns the international trademark, MITTAL, registration number 1198046, which was registered on 5 December 2013.

FACTUAL BACKGROUND

The Complainant is the largest steel producing company in the world. It is the market leader in steel for use in automotive, construction and household appliances, and operates extensive distribution networks.

The Complainant owns the international trademark, MITTAL, which predates the registration of the disputed domain name. The Complainant also owns a large portfolio of domain names containing the word MITTAL, such as the domain name <mittalsteel.com>, registered since 3 January 2003.

The disputed domain name was registered on 4 March 2024. It redirects to a parking page.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant asserts that the disputed domain name is confusingly similar to its trademark, MITTAL. The addition of the generic terms “group of companies” to that trademark is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark, nor change the overall impression that it is connected to the Complainant’s trademark, MITTAL.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name and states that:

i. the Respondent is not identified in the Whois database as the disputed domain name and is not commonly known by a disputed domain name;
ii. the Respondent is not related in any way with the Complainant and does not carry out any activity for, and has no business with the Complainant;
iii. the Respondent is not licenced to make any use of the Complainant’s trademark MITTAL, or apply for registration of the disputed domain name; and
iv. the disputed domain name is on parking page and the Respondent has made no use of disputed domain name and has no demonstrable plan to use the disputed domain name.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant argues that given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark.

The disputed domain name redirects to a parking page. The Complainant asserts 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.

RESPONDENT:

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

Paragraph 4 (a) of the Policy requires the Complainant to prove each of the following three elements:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in the disputed domain name; and

(iii) the disputed domain name has been registered and used in bad faith.

IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant has submitted evidence to show that it owns the trademark MITTAL. The disputed domain name incorporates the Complainant's trademark and adds to it the generic words "group of companies". This does not avoid the conclusion that the disputed domain name is confusingly similar the Complainant's mark. See WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin.

The addition of the top-level suffix, ".com" is a standard registration requirement. It does not add any distinctiveness to a domain name and can be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant's trademark.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark and that the requirements of paragraph 4(a)(i) of the Policy have been met.

NO RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Complainant has submitted evidence of its rights in the mark MITTAL, and has made out a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain name. The burden of proof shifts to the Respondent to show relevant rights or legitimate interests in the disputed domain name. See WIPO Case No. D2003-0455 Croatia Airlines d. d. v. Modern Empire Internet Ltd.

The Respondent has not filed a Response nor disputed any of the Complainant's assertions. The Complainant owns the trademark MITTAL. The Respondent is not commonly known by the disputed domain name, which incorporates the Complainant's trademark. The Respondent is not related to the Complainant, does not conduct any business for the Complainant, and is not authorised to use the Complainant's trademark. The disputed domain name resolves to a parking page. There is no evidence to show that the Respondent is using it for any bona fide offering of goods or services or for any legitimate non-commercial or fair use.

Taking the above factors into consideration the Panel finds that the Respondent has no rights or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

REGISTERED AND BEING USED IN BAD FAITH

The disputed domain name redirects to a parking page. The passive holding of the disputed domain name by the Respondent may amount to bad faith registration and use. See WIPO Case No. D2000-0003,Telstra Corporation Limited v. Nuclear Marshmallows.

The Panel notes that:

i. the Complainant's trademark, MITTAL is well-known and predates the registration of the disputed domain name;
ii. the Respondent has not filed a Response nor provided any evidence of actual or contemplated good faith use of the disputed domain name;
iii. the Respondent used a privacy service to register the disputed domain name;
iv. the combination of the mark MITTAL and the words "group of companies", give the impression falsely that the disputed domain name is in some way connected to the Complainant; and
v. the Complainant's distinctive and well-known trademark is clearly recognisable in the disputed domain name and any good faith use by the Respondent appears implausible.

Having considered the above factors the Panel concludes that the disputed domain name was both registered and is being used in bad faith, and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **mittalgroupofcompanies.com**: Transferred

PANELLISTS

Name	**Veronica Bailey**

DATE OF PANEL DECISION 2024-04-08

Publish the Decision