

## Decision for dispute CAC-UDRP-106427

Case number CAC-UDRP-106427

Time of filing 2024-04-08 13:33:41

Domain names arcelormitral.com

### Case administrator

Name Olga Dvořáková (Case admin)

### Complainant

Organization ARCELORMITTAL

### Complainant representative

Organization NAMESHIELD S.A.S.

### Respondent

Name jim campbell

#### 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 registration 947686 „ArcelorMittal“ registered on August 3, 2007 in numerous classes, among them 6, 40 and being in effect.

#### FACTUAL BACKGROUND

The Complainant is the world largest steel manufacturing company and is the market leader in steel for use in automotive, construction, household appliances and packaging with 58,1 million tons of steel made in 2023.

The disputed domain name <arcelormitral.com> was registered on April 3, 2024 and resolves to an index page. The Respondent's identity was initially concealed in the whois-registry.

#### PARTIES CONTENTIONS

The Complainant contends that the disputed domain name <arcelormitral.com> is confusingly similar to Complainant's trademark

„ArcelorMittal“ and the obvious misspelling is a characteristic of typosquatting. The Complainant further contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Given the distinctiveness of the Complainant's trademark and its reputation, Complainant finally contends that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark.

No administratively compliant Response has been filed.

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#### 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).

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#### 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).

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#### 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).

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The disputed 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 with respect to the disputed domain name; and (iii) The disputed domain name has been registered and is being used in bad faith.

##### A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for “ArcelorMittal.

The disputed domain name is confusingly similar to the Complainant's mark since the addition of the small letter „r“ to a sign consisting of 13 letters on position 11 does not have a relevant influence on the similarity of signs, which remain phonetically highly similar.

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

##### B. Rights or Legitimate Interests

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 the Respondent to use its trademarks or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the name “Arcelormittral“ or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

**C. Registered and Used in Bad Faith**

The Panel does not believe that the application of a disputed domain name being highly similar to a distinctive trademark as the one from Complainant, is accidental.

This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant's authorization.

Although the disputed domain name is online only for an index page, the consensus view amongst panellists since the decision *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003, <telstra.org> is that "the apparent lack of so-called active use (e.g., to resolve to a website) of the domain name without any active attempt to sell or to contact the trade mark holder (passive holding), does not as such prevent a finding of bad faith. The panel must examine all the circumstances of the case to determine whether the respondent is acting in bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include that no response to the complaint is filed, and the concealment of identity. In the present case, the Panel is convinced that such circumstances are given. Accordingly, the present circumstances do not prevent a finding of bad faith under the UDRP.

The circumstances of this case, in particular the obvious typosquatting indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **arcelormittral.com**: Transferred

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**PANELLISTS**

Name	<b>Dietrich Beier</b>
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DATE OF PANEL DECISION **2024-05-07**

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**Publish the Decision**

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