Decision for dispute CAC-UDRP-106541

Case number	CAC-UDRP-106541
Time of filing	2024-05-16 10:21:51
Domain names	lojaarcellormittal.online

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Michel Lima

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 relies on international trademark no. 947686 for the word mark "ArcelorMittal" registered in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 on 3 August 2007.

FACTUAL BACKGROUND

The Complainant is the largest steel producing company in the world. It is the proprietor of international trademark no. 947686 for the word mark "ArcelorMittal" registered in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 on 3 August 2007. It also owns domain names containing the name "arcelormittal" including <arcelormittal.com> and <loja.arcelormittal.com.br> which the Complainant uses for a website customers and others interested in its business in Brazil.

The disputed domain name was registered on 14 May 2024 without the Complainant's consent and resolves to a parking page with links to commercial websites. The Respondent's address is in Brazil.

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 Panel finds that the Complainant has registered rights in the mark "ArcelorMittal" by virtue of its international registration identified above.

The Panel is also satisfied that the disputed domain name is confusingly similar to this mark. "ArcelorMittal" is a highly distinctive and well-known mark. The only differences between the disputed domain name and the Complainant's mark are the addition of "loja" at the beginning of the disputed domain name, which means "store" in Portuguese and is thus generic; the double "ll" instead of a single "l", which is a typographical variant; and the generic top level domain, ".online". These differences do not distinguish the disputed domain name from the Complainant's mark.

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 Panel finds on the undisputed evidence that the Respondent has not used or made preparations to use the disputed domain name or any corresponding name for a bona fide offering of goods or services. In the Panel's view, the direction of the disputed domain name to a parking page does not qualify as a bona fide offering of goods or services.

The Respondent is not commonly known by the disputed domain name and is not making a legitimate non-commercial or fair use of the disputed domain name. Nor has the Complainant authorised the Respondent to register or use the disputed domain name.

The Complainant has, to the satisfaction of the Panel, shown 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.

BAD FAITH

The Panel is satisfied on the evidence and on the balance of probabilities that the Respondent knew of the Complainant when he registered the disputed domain name and deliberately chose a domain name that was confusingly similar to the Complainant's well known and distinctive mark. As well as the close similarity between the disputed domain name and the Complainant's registered mark discussed above, the Panel notes the particularly close similarity of the disputed domain name and the domain name used by the Complainant for its website for Brazil, which is the Respondent's own country.

In these circumstances, the Panel concludes that the Respondent registered and is using the disputed domain name 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

The disputed domain name comprises the Complainant's distinctive and well-known mark with generic additions and a single character miss-spelling. The Respondent's only use to resolve to a parking page does not confer a right or legitimate interest. On the balance of probabilities, the Respondent knew of the Complainant's mark when he registered the disputed domain and deliberately chose and used in bad faith a domain name that was confusingly similar to that mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lojaarcellormittal.online**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2024-06-24

Publish the Decision