Decision for dispute CAC-UDRP-106743

Case number	CAC-UDRP-106743
Time of filing	2024-07-26 09:23:25
Domain names	arcelor-pb.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Leila Boehm

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 following trademark:

- International Trademark Registration No. 778212 ARCELOR (word mark) registered on 25 February 2002.

FACTUAL BACKGROUND

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

The Complainant is a well-established steel producing company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging with 58.1 million tons crude steel made in 2023.

The Complainant owns an important domain names portfolio containing the wording ARCELOR, such as the domain name <arcelor.com> registered and used since August 29, 2001.

The disputed domain name <arcelor-pb.com> was registered on 23 July, 2024, and is inactive.

PARTIES CONTENTIONS

THE COMPLAINANT:

The Complainant states that the disputed domain name <arcelor-pb.com> is confusingly similar to its trademark ARCELOR and its domain names associated, because the domain name includes it in its entirety.

The Complainant contends that the addition of the letters “PB” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark ARCELOR. It does not change the overall impression of the designation as being complementary to the Complainant’s trademark ARCELOR and therefore it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain names associated.

Furthermore, the Complainant contends that the addition of the gTLD “.COM” does not change the overall impression of the designation as being connected to the Complainant’s trademark as it must be viewed as a standard registration requirement and as such is disregarded under the first element confusion similarity test.

As far as the legitimate interest of the Respondent, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name <arcelor-pb.com> and he 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 ARCELOR, or apply for registration of the disputed domain name by the Complainant.

Finally, 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.

Given the distinctiveness of the Complainant's trademark and reputation, which was confirmed in prior disputes in which the notoriety of the trademark ARCELOR was declared (WIPO Case No. DME2018-0005, Arcelormittal (SA) v. floyd martins <arcelorsteel.me> and CAC Case No. 100756, ARCELORMITTAL S.A. v. Arcelor Staffing Solution), it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

In view of the Complainant, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

THE RESPONDENT:

The Respondent did not reply to the Complainant’s contentions.

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 Complainant is owner of a trademark family whose common distinctive element is a particle “ARCELOR”, having trademark registrations in various countries, such as the International Registration No. 1198046 registered far before the disputed domain name (25 February 2002), designing more than 30 countries.

The disputed domain name <arcelor-pb.com> comprises of the distinctive element “ARCELOR” which is followed by a particle “-pb" which does not have any known meaning.

Given that the Complainant’s trademark ARCELOR is fully comprised within the disputed domain name and that the additional elements have lower degree of distinctiveness, the Panel considers that the disputed domain name is confusingly similar to Complainant’s previously registered trademark.

As far as the Top-Level domain “.com”, the Panel shares the Complainant’s argument in the sense that this particle has rather technical function and does not outweigh the overall similar impression <arcelor-pb.com> and “ARCELOR” trademark leave.

2. The Complainant stated that the Respondent is not affiliated with or authorized by the Complainant in any way. Furthermore, the Respondent does not appear to be commonly known by the disputed domain name or by the name “ARCELOR” or by a name corresponding to the disputed domain name.

Finally, the website at the disputed domain name is currently inactive and there is no evidence of it having ever been associated with any goods or services.

Therefore, and in the absence of a Response, the Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name.

3. As to the bad faith at the time of the registration, the Panel finds that, in light of the distinctiveness of the Complainant’s trademark with which the disputed domain name is confusingly similar, and due to the worldwide presence of the Complainant’s business known under the name ARCELOR, the Respondent was most likely aware of the Complainant’s trademark at the time of the registration of the disputed domain name.

Bearing in mind these circumstances and the fact that the disputed domain name resolves to an inactive webpage, the Respondent can be deemed to have registered the domain name to create an association, and a subsequent likelihood of confusion, with the Complainant’s trademark in Internet users’ mind for whatsoever unfair purpose.

Under such circumstances, the Panel finds that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelor-pb.com**: Transferred

PANELLISTS

Name	**Hana Císlerová**

DATE OF PANEL DECISION 2024-08-19

Publish the Decision