Decision for dispute CAC-UDRP-106871

Case number	CAC-UDRP-106871
Time of filing	2024-09-16 09:40:26
Domain names	arcellormittall.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Cloud DNS Ltd

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 registration no. 947686 "ARCELORMITTAL", granted on August 3, 2007.

Likewise, the Complainant also owns the domain name <arcelormittal.com>, registered on January 27, 2006.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:
The Complainant – a company specialized in the production and commercialization of steel all around the world – owns a portfolio of brands including the international trademark registration no. 947686 "ARCELORMITTAL", granted on August 3, 2007 and duly renewed, in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42.

The Complainant also owns the domain name <arcelormittal.com> since 2006.

The Respondent has registered the disputed domain name <arcellormittall.com> on September 12, 2024, which, as of this day, resolves to an index page. Furthermore, MX servers are configured.

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 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

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO THE COMPLAINANT`S TRADEMARK

The Panel finds that the disputed domain name is confusingly similar to the trademark “ARCELORMITTAL” and to the relative domain name <arcelormittal.com> registered by the Complainant, which has proven to have prior rights since 2006-2007.

In particular, the Panel agrees that the mere addition of letter "L" in the verbal portion ARCELOR is not sufficient to avoid the confusing similarity of the disputed domain with the trademark ARCELORMITTAL and the domain name <arcelormittal.com>.

In this regard, it shall be underlined that many CAC decisions – even involving the present Complainant, such as the ones mentioned in the Complaint – stated how the typosquatting practice (the slight spelling variation of a trademark) does not prevent a disputed domain name from being confusing similar to the Complainant’s trademark (CAC - 101265 - Arcelormittal v. Fetty wap LLc Inc - <arcelormitals.com>; CAC - 101267 - Arcelormittal v. davd anamo - <arcelormiltal.com>).

The same case lies before us in this matter.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

According to the information provided by the Complainant, the Respondent is not affiliated nor authorized by the Complainant in any way. Likewise, the Complainant neither licensed nor authorized the Respondent to make any use of its trademark “ARCELORMITTAL”, or to apply for registration of the disputed domain name on behalf of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

It is undeniable that Complainant is only required to make out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. Once such prima facie case is made, 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 Policy.

Given all the above and taken into account the fact that the Respondent did not provide any response within the present proceeding, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in <arcellormittal.com>.

THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, of the disputed domain name neither in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name.

The disputed domain name represents a clear example of typosquatting, an activity which is considered evidence of bad faith by the consistent case law in domain name disputes (see, among others, Forum case no. FA 157321 Computerized Sec. Sys., Inc. v. Hu).

In the absence of a response from Cloud DNS Ltd and given the reputation of the Complainant and its trademark, the Panel infers that the Respondent had the Complainant's trademarks "ARCELORMITTAL" in mind when registering the disputed domain name, especially taking into account that <arcellormittal.com> redirects to an Index page with no apparent content.

Furthermore, even though there is no active website associated with the disputed domain name, this does not preclude a finding of bad faith under passive holding doctrine, which include the following factors to be taken into account, among others, (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the implausibility of any good faith use to which the domain name may be put (See Article 3.3 of the WIPO Jurisprudence Overview 3.0).

In the circumstances of this case, the Panel finds that the Complainant's trademark has a high degree of inherent distinctiveness and reputation and that the Respondent has not provided any response or evidence of actual or intended use in good faith, nor with a plausible explanation about why the disputed domain name has been registered.

Consequently, the Panel believes that the same was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcellormittall.com**: Transferred

PANELLISTS

Name	**Tommaso La Scala**

DATE OF PANEL DECISION 2024-10-16

Publish the Decision