Decision for dispute CAC-UDRP-107142

Case number	CAC-UDRP-107142
Time of filing	2024-12-12 14:03:51
Domain names	arcelormittalnorthamerica.info

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	AR DATA GROUP

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 submitted evidence that it is the owner of the international trademark “ArcelorMittal” (wordmark), no. 947686, registered on 3 August 2007 in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42, valid in various countries (hereinafter the “Complainant’s Trademark”).

The Complainant also submitted evidence that it is has registered the domain name <arcelormittal.com> on 27 January 2006.

FACTUAL BACKGROUND

The Complainant is a major steel producing company, active worldwide, and the market leader in steel for use in automotive, construction, household appliances and packaging.

The Complainant is the owner of the Complainant’s Trademark and of various domain names, such as the domain name <arcelormittal.com> (since 27 January 2006).

The disputed domain name was registered on 4 December 2024. The disputed domain name resolves to an error page.

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.

The Complainant claims that the disputed domain name is confusingly similar to the Complainant's Trademark (i.e., the disputed domain name includes the Complainant's Trademark in its entirety, combined with the geographical terms "North America" and the suffix ".info").

The Complainant claims that the Respondent does not have any rights or legitimate interest in the disputed domain name. The Complainant asserts that the Respondent is not related to the Complainant in any way. No license or authorization has been granted to the Respondent to use the Complainant's Trademark or register the disputed domain name. The email address and phone number used by the Respondent do not correspond to the Complainant or its subsidiaries. The disputed domain name resolves to an error page.

The Complainant claims that the disputed domain name has been registered and is being used in bad faith. The Complainant claims that the Complainant's Trademark is widely known. Given the distinctiveness of the Complainant's Trademark, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's Trademark. The disputed domain name refers to an error page. The Complainant contends 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 disputed 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. The incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

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

1. Confusing similarity

The Panel notes that the disputed domain name incorporates the entirety of the Complainant's Trademark, with the addition of the term(s) "North America" and the gTLD ".info".

The Panel remarks that Section 1.7 of WIPO Overview 3.0 states that "in cases where a domain name contains the whole of a trademark, or where at least one dominant feature of the relevant trademark is recognisable in the domain name, the domain name shall normally be considered confusingly similar to that trademark for the purposes of UDRP status".

Section 1.8 of WIPO Overview 3.0 states: "Where the relevant mark is recognisable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless or otherwise) would not preclude a finding of confusing similarity under the first element".

The Panel is of the opinion that the addition of the geographical terms “North America” does not prevent a finding of confusing similarity under the first element of paragraph 4(a) of the Policy.

In addition, the gTLD ".info" may be disregarded when it comes to considering whether a domain name is confusingly similar to a trademark in which the Complainant has rights.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

2. Rights or legitimate interests

As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous panels have found that the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the Respondent does come forward with some allegations or evidence of relevant rights or legitimate interests, the Panel then must weigh all the evidence, with the burden of proof always remaining on the Complainant.

The Panel took note of the arguments of the parties and weighed them as explained below.

There is no evidence that the Respondent is or has been commonly known, by the disputed domain name or by the term “ARCELORMITTAL”. The WHOIS information does not provide any information that might indicate any rights to use the term “ARCELORMITTAL” by the Respondent. The Respondent does not claim that it is known by the disputed domain name or by the term “ARCELORMITTAL” coupled or not with the geographical term(s) “NORTH AMERICA”. The Respondent does not dispute the claim that he is not affiliated with nor authorised or licensed by the Complainant in any way. The Respondent does not dispute that he does not carry out any activity for, nor has any business with, the Complainant. These elements of fact suffice to find prima facie that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The burden of proof has shifted to the Respondent to prove that he has rights or legitimate interests to the disputed domain name.

For of the reasons mentioned above, the Panel concludes that the Complainant has made a prima facie case showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name, and that this was not sufficiently rebutted by the Respondent. The Panel therefore finds that the Complainant has established the second element of the Policy in accordance with paragraph 4(a)(ii).

3. Bad faith

The Panel is of the opinion that is inconceivable that the Respondent would have come up with the disputed domain name consisting of the term “ARCELORMITTAL” in combination with the geographical term(s) “NORTH AMERICA” without having prior knowledge of the Complainant and its Trademark and activities.

The Complainant’s Trademark and the domain name <arcelormittal.com> predate the registration of the disputed domain name with several years.

The Complainant’s Trademark covers the territory of the United States of America, i.e., the Respondent’s home country.

The term “ARCELORMITTAL” does not have a general or descriptive meaning in the country where the Respondent is located (the United States of America) or elsewhere.

On the balance of probabilities, it can be expected from these facts that the Respondent had knowledge of the existence of the Complainant and its activities, and of the existence of the Complainant's Trademark at the time of registration and use of the disputed domain name.

The Respondent did not contest any of the Complainant’s arguments and did not provide any explanation concerning its choice for registering and/or using the disputed domain name that includes the Complainant’s registered Trademark in combination with the words “NORTH AMERICA”.

For the reasons mentioned above, the Panel concludes that the Respondent registered and uses the disputed domain name in bad faith to create confusion with the Complainant’s Trademark in order to disrupt the Complainant’s business or in order to trick internet users intending to visit the Complainant’s website into visiting the Respondent’s website. The Panel concludes that the Respondent’s conduct constitutes bad faith registration and use of the disputed domain name within the meaning of 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. **arcelormittalnorthamerica.info**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2025-01-03

Publish the Decision