Decision for dispute CAC-UDRP-107148

Case number	CAC-UDRP-107148
Time of filing	2024-12-12 14:06:27
Domain names	arcelormittalnorthamerica.live

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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 is the owner of the International registration with number 947686 for the word mark "ArcelorMittal", registered on August 3, 2007 for goods and services in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42. The registration designates many countries worldwide, including the Unites States of America.

FACTUAL BACKGROUND

The Complainant is the largest 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. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Respondent registered the disputed domain name <arcelormittalnorthamerica.live> on December 7, 2024. The disputed domain name resolves to an error page, and has been set up with MX records.

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

1. The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark ARCELORMITTAL which was registered prior to the registration of the disputed domain name as the Respondent has taken this trademark in its entirety and added "northamerica" to the ARCELORMITTAL trademark, which does not distinguish the disputed domain names from the Complainant's trademark.
2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Complainant's allegations that no authorization has been given by the Complainant to the Respondent to use or register the disputed domain name, the Respondent has not been commonly known by the disputed domain name, as well as the Complainant's inference that the disputed domain name points to an error page, meaning that the Respondent has not used the disputed domain name, and has no demonstrable plan to use the disputed domain name, were not challenged by the Respondent.
3. The Panel finds that the disputed domain name was registered in bad faith as the Respondent should have been aware of the Complainant's trademarks ARCELORMITTAL when the Respondent registered the disputed domain name given the trademark's reputation (e.g., CAC Case No. 101908, ARCELORMITTAL v. China Capital and CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd). The Panel further infers from the fact that the Respondent has undisputedly set up MX records, and also noting the fact that the disputed domain name resolves to an error page, that there is no conceivable or plausible use of the disputed domain name by the Respondent that would not be illegitimate. Accordingly, the Panel finds that the Complainant succeeded in proving that the Respondent registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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1. **arcelormittalnorthamerica.live**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2025-01-16

Publish the Decision