

## Decision for dispute CAC-UDRP-107151

Case number **CAC-UDRP-107151**

Time of filing **2024-12-12 14:06:50**

Domain names **arcelormittalnorthamerica.org**

### Case administrator

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

### Complainant

Organization **ARCELORMITTAL**

### Complainant representative

Organization **NAMESHIELD S.A.S.**

### Respondent

Organization **ArcelorMittal North America**

#### OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

#### IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence showing that it is the owner of the international trademark ARCELORMITTAL No. 947686, registered on 3 August 2007 in Nice Classification List classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 on the basis of an original registration with the Benelux Office for Intellectual Property.

The Complainant also adduced evidence to show it is the registrant of the domain name <arcelormittal.com>, registered on 27 January 2006. The Complainant claims without submitting evidence to have a wider portfolio of domain name registrations.

The Respondent registered the disputed domain name <arcelormittalnorthamerica.org> on 9 December 2024 according to the Registrar Verification obtained by the CAC Case Administrator.

#### FACTUAL BACKGROUND

The Complainant is the largest steel producing company in the world and is the market leader in steel for automotive, construction, household appliances and packaging use, with over 58 million tonnes of crude steel made in 2023. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

Screenshot evidence adduced by the Complainant shows that the disputed domain name resolves to an empty web page and to DNS

MX server addresses configured for redirection of e-mails to a privacy e-mail provider's server. The Complainant observes that neither the telephone number nor the e-mail address given by the Respondent correspond to the Complainant's North America subsidiary.

The Panel's routine scrutiny of the Registration Verification disclosed that the Respondent registered the disputed domain name using the postal address of the Complainant's North America regional office in Chicago, but with a slight variation, and using the name of a natural person as registrant with a minor mistake in the composition of that person's name. The Panel also, in exercise of its general powers under the Policy, determined that, whereas the telephone number the Respondent gave at registration is a geographical number that relates to the Chicago area, it falls within a numbering range allocated to a provider of an internet application which allows online use of numbers in that and similarly allocated geographical ranges. In other words, the Respondent does not need actually to be located in the Chicago area to be able to use that geographical telephone number and thus to give the impression that the call is with someone in Chicago.

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#### PARTIES CONTENTIONS

##### COMPLAINANT:

###### 1. The Complainant's rights

The disputed domain name is confusingly similar to the trademark ARCELORMITTAL. Indeed, the disputed domain name includes the trademark in its entirety. Neither addition of the <northamerica> part of the disputed domain name's stem nor the technical TLD suffix <.org> suffices to remove such confusingly similarity.

###### 2. Respondent's lack of right or interest

The Respondent in this case purports to be ArcelorMittal North America, one of the Complainant's subsidiaries, yet the e-mail address and phone number used by the Respondent do not correspond to the Complainant or any of its subsidiaries. Thus, the Complainant asserts that the Respondent is using a confusingly similar business name to that of the Complainant in order to be confused with the Complainant -- which evidences lack of legitimate interest. The Complainant furthermore contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <arcelormittalnorthamerica.org> and affirms that he is not related in any way to the Complainant. In particular, the Complainant has no business with the Respondent, nor has it granted him any authorization to make use of the Complainant's trademark ARCELORMITTAL or to apply for registration of the disputed domain name.

###### 3. The Respondent's bad faith

The Complainant's trademark ARCELORMITTAL is widely known. Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark. The Complainant further contends that the disputed domain name resolves to an error page and that the Respondent has not demonstrated any activity in respect of it, but that, if there had been, it is not possible to conceive of any plausible actual or contemplated active use of the 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. However, the disputed domain name has been set up with MX records, which suggests that it may be actively used for e-mail purposes. On these facts, the Complainant contends that Respondent has registered the disputed domain name <arcelormittalnorthamerica.org> and is using it in bad faith.

##### RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to trademarks in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

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#### 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).

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#### BAD FAITH

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

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#### PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that its résumé of the Parties' contentions includes for the Complainant only its arguments pertinent to reaching a decision in this proceeding; it omits in particular references to past ADR Panels' Decisions. The Panel declines to consider a contention made by the Complainant regarding the sufficiency of prima facie proof since such an argument is clearly otiose in the circumstances of this proceeding.

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#### PRINCIPAL REASONS FOR THE DECISION

The Panel finds that:

- the evidence in this case shows that the Respondent registered the disputed domain name <arcelormittalnorthamerica.org> as an impersonation of the Complainant's subsidiary in North America, ArcelorMittal North America, whose business name incorporates the Complainant's trademark that has been duly substantiated in this proceeding;
- the Respondent at registration gave false contact details that were fabricated from those of the Complainant's subsidiary (which is located in the Chicago area) and by composing the disputed domain name's stem to reproduce the subsidiary's business name, with the addition only of the technical extension <.org>;
- the Factual Background reveals that, whereas the Respondent made a slight but unusual textual error in entering the registrant's surname at registration, the Respondent clearly exercised great care when choosing an internet application service to mimic a Chicago-area geographical telephone number and in setting up a redirection on the disputed domain name's e-mail (MX) server to a privacy e-mail service.

Based on these findings, the Panel concludes that the Respondent has abused the domain name system in order to perpetrate what must be some form of scam, presumably to target by e-mail in conjunction with telephone business contacts or customers of the Complainant's subsidiary responsible for the North American market. While no evidence of particular communications has been adduced by the Complainant, the Panel takes account of the crystal-clear indications in this case of preparation for illegitimate use of the disputed domain name's e-mail facilities that prove bad faith use by the Respondent.

The Complainant's rights having been substantiated, the exclusively illegitimate nature of the Respondent's interest having been determined, and the Respondent's bad faith registration and use having been shown, the Panel therefore ORDERS the transfer of the disputed domain name to the Complainant.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelormittalnorthamerica.org**: Transferred

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#### PANELLISTS

Name	<b>Kevin Madders (Presiding Panelist)</b>
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DATE OF PANEL DECISION 2025-01-24

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Publish the Decision

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