Decision for dispute CAC-UDRP-107220

Case number	CAC-UDRP-107220
Time of filing	2025-01-06 10:17:25
Domain names	arcelormittaltech.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	ARCELORMITTAL

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, conducting business under the company or trade name ARCELORMITTAL, is the owner of the international trademark "ARCELORMITTAL" no. 947686, registered since 3 August 2007 in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42.

It also owns multiple domain names, including <arcelormittal.com> which has been registered since 27 January 2006 and resolves to the Complainant's official website.

The Complainant’s above-mentioned rights are hereinafter collectively referred to as the ARCELORMITTAL Trademark.

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 of crude steel produced in 2023. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The disputed domain name was registered on 30 December 2024 and, at the time of filing of the Complaint, resolved to a website offering unrelated trade consultancy services. Besides, MX servers have been configured.

Upon CAC's registrar verification request, the Registrar identified the Respondent as ARCELORMITTAL, located at the same physical address as the Complainant. However, the e-mail address (arcelormittallu352@gmail.com) and phone number (+352.47922) provided by the Respondent for the registration of the disputed domain name are not affiliated with the Complainant.

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

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to succeed in the administrative proceeding:

(i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and
(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
(iii) the disputed domain name has been registered and is being used by the Respondent in bad faith.

I. THE COMPLAINANT’S RIGHTS AND THE CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S MARK

The Complainant has established that it has rights in the ARCELORMITTAL Trademark since 2007.

The disputed domain name consists of the wording "ARCELORMITTAL", plus the generic term "TECH", and the top-level domain (TLD) ".COM".

In UDRP disputes, the test for identity or confusing similarity involves a straightforward, reasoned comparison between the complainant’s trademark and the disputed domain name. This typically entails a side-by-side evaluation of the domain name and the textual elements of the relevant trademark to determine if the mark is recognizable within the domain name. When a domain name fully incorporates a trademark, or at least a dominant feature of it is evident in the domain name, the domain is generally deemed confusingly similar to the mark for the purposes of UDRP standing. Adding other terms—whether descriptive, geographical, derogatory, or otherwise—does not prevent a finding of confusing similarity under this first element. The TLD is usually disregarded in determining identity or similarity, as it is simply a technical aspect of registration.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, because it contains the entirety of such mark combined with the generic term "TECH". This additional term neither affects the attractive power of the Complainant's mark, nor is sufficient to distinguish the disputed domain name from the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has proven the first element of the paragraph 4(a) of the Policy and the disputed domain name is confusingly similar to the Complainant's trademark.

II. THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. If the Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Complainant contends to have no relationship whatsoever with the Respondent. The Respondent has never received any approval from the Complainant, expressed or implied, to use the Complainant's trademark or to register and use the disputed domain name.

The Respondent has been identified as ARCELORMITTAL. Its physical address coincides with the address of the Complainant. However, other contact details (email address and phone number) are not affiliated with the Complainant. It is clear that the Respondent has deliberately attempted to pass off as the Complainant and to mislead Internet users, making them believe that the disputed domain name and any related web services (website, e-mail, etc.,) are operated, sponsored or endorsed by the Complainant.

The disputed domain name, registered on 30 December 2024, incorporates the Complainant's trademark, combined with a generic term, and, thus is confusingly similar to such a mark.

UDRP panels have found that domain names identical or confusingly similar to a complainant’s trademark carry a high risk of implied affiliation. A domain name consisting of a trademark plus an additional term (descriptive, geographical, pejorative, meaningless, or otherwise) at the second - or top-level is seen as tending to suggest sponsorship or endorsement by the trademark owner. Thus, UDRP panels have largely held that such composition cannot constitute fair use.

Moreover, the Complainant has provided sufficient evidence to show that, at the moment of filing of the Complaint, the disputed domain name resolved to a website offering unrelated trade consultancy services.

Therefore, the Panel is unconvinced that, before any notice of the dispute, the Respondent used or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services or is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

While the Complainant has established its prima facie case, the Respondent has not submitted a Response to the Complaint and, thus, has failed to invoke any of the circumstances, which could demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel is satisfied that the Complainant has met the second requirement of the paragraph 4(a) of the Policy and finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

III. THE REGISTRATION AND THE USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Complainant has sufficiently demonstrated to own rights in the prior and well-known ARCELORMITTAL Trademark since 2007.

The disputed domain name is to be considered confusingly similar to the Complainant's trademark, since it incorporates the entirety of such mark. The additional elements, namely the generic term "TECH" and the TLD “.COM” (technical requirement of the registration), are not sufficient to escape the finding of confusing similarity between the disputed domain name and the Complainant’s trademark.

UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Given the distinctiveness and reputation of the Complainant's prior mark acquired during the years and confirmed by several UDRP decisions (e.g., CAC Case No. 101908, ARCELORMITTAL v. China Capital; CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd), it is inconceivable that the Respondent could have registered the disputed domain name for a mere chance without actual knowledge of the Complainant's rights in such mark and the intention to exploit such reputation by diverting traffic away from the Complainant’s website.

The Respondent was indeed aware of the Complainant and deliberately attempted to pass off as the Complainant, since it provided the Complainant's name and address at the time of registration of the disputed domain name. It concealed its identity and used false contact details in breach of its registration agreement.

As for the use of the disputed domain name, the Complainant has submitted evidence that the disputed domain name resolved to a website offering unrelated trade consultancy services.

Therefore, the Panel finds that, by registering and using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website or a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Complainant has, therefore, discharged the burden of proof to show that the disputed domain name has been registered and is being used in bad faith (paragraph 4(a)(iii) of the Policy).

The disputed domain name is to be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelormittaltech.com**: Transferred

PANELLISTS

Name	**Ivett Paulovics**

DATE OF PANEL DECISION 2025-02-06

Publish the Decision