Decision for dispute CAC-UDRP-107345

Case number	CAC-UDRP-107345
Time of filing	2025-02-19 16:23:02
Domain names	arcelormittal-tenders.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Eric Philipson

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark n° 947686 “ARCELORMITTAL”, registered on August 3, 2007.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant) is a company specialized in steel producing in the world.

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 Complainant also owns an important domain names portfolio, such as the domain name <arcelormittal.com> registered since January 27, 2006.

The disputed domain name <arcelormittal-tenders.com> was registered on February 17, 2025 and is inactive. Besides, MX servers are configured.

PARTIES CONTENTIONS

COMPLAINANT

A. THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant states that the disputed domain name is confusingly similar to its trademark “ARCELORMITTAL” and its domain name associated as it is identically contained.

The addition of the term “TENDERS” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark “ARCELORMITTAL”. It does not change the overall impression of the designation as being connected to the Complainant’s trademark.

Furthermore, the Complainant contends that the addition of the gTLD “.COM” does not change the overall impression of the designation as being connected to the Complainant’s trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Consequently, the disputed domain name is confusingly similar to Complainant’s trademark ARCELORMITTAL.

B. RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTEREST IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark “ARCELORMITTAL”, or apply for registration of the disputed domain name by the Complainant.

Finally, the disputed domain name is inactive. The Complainant contends that the Respondent did not use the disputed domain name or has no demonstrable plan to use the disputed domain name.

Thus, in accordance with the foregoing, the Complainant contends that the Respondent has no right or legitimate interest in respect of the disputed domain name.

C. THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant contends that the disputed domain name is confusingly similar to its distinctive trademark “ARCELORMITTAL”.

The Complainant’s trademark “ARCELORMITTAL” is widely known. Past panels have confirmed the notoriety of the trademark ARCELORMITTAL.

Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Furthermore, the disputed domain name points to an inactive page. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain names, and it is not possible to conceive of any plausible actual or contemplated active use of the domain names 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. As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

Finally, the disputed domain name has been set up with MX records which suggests that it may be actively used for e-mail purposes.

On those facts, the Complainant contends that Respondent has registered the disputed domain name and is using it in bad faith.

RESPONDENT

No administratively compliant Response was filed.

RIGHTS

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

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has 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

To the satisfaction of the Panel, the Complainant has 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 have been met, and there is no other reason why it would be unsuitable for providing the Decision.

PRINCIPAL REASONS FOR THE DECISION

A. Identical or Confusingly Similar

First, the Panel is satisfied that the Complainant has shown it owns rights in the "ARCELORMITTAL" trademark, with registration and evidence, provided dating the trademark registration back to August 2007.

Turning to analyze whether there is a confusing similarity between the disputed domain name and the trademark, the Panel notes, based on the record at hand, that the disputed domain name reproduces the trademark in its totality, namely "ARCELORMITTAL," with the addition of a hyphen separating the trademark from the term "TENDERS."

The addition of the term "TENDERS" is insufficient and immaterial in assessing confusing similarity under the Policy as the entire trademark is reproduced in its entirety in the disputed domain name.

Consequently, the Panel determines that the Complaint has satisfied the Policy's first element set under paragraph 4(a)(i).

B. Rights or Legitimate Interests

Based on the evidence on record and acknowledging that the Respondent failed to produce any allegations or evidence necessary to demonstrate its rights or legitimate interests in the disputed domain name, the Panel must turn to the uncontested facts.

The uncontested facts indicate that a) the Respondent is not commonly known by the disputed domain name; b) the Respondent is not affiliated with the Complainant; c) the Respondent is not authorized to carry out any activity for the Complainant; d) the Respondent has no license or authorization to use the trademarks; e) although a very recent registration, the Respondent is not using the disputed domain name and has not demonstratable plans to use the disputed domain name legitimately; and f) the disputed domain name has been set up with MX records.

In the Panel's view, these assertions and the evidence attached are enough to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name (see 2.1 of WIPO 3.0 Overview).

These facts lead the Panel to conclude that the Respondent did not have rights or legitimate interests in the disputed domain name. Furthermore, the evidence of the disputed domain name setting up with MX records, on the balance of probability and based on the record at hand, makes it unlikely that the Respondent has demonstratable plans to legitimately use the disputed domain name. However, this matter will be analyzed further under the element below.

Consequently, the Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name. Subsequently, the Complainant has fulfilled the second requirement set under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Per the record and evidence at hand, the Panel finds that the Respondent was likely aware of the Complainant and had the Complainant's trademark in mind when registering the disputed domain name. This is further reinforced by the complete

reproduction of the trademark in the disputed domain name. This fanciful trademark would have been easily checked online before registering the disputed domain name.

Furthermore, the disputed domain name utilizes the term "TENDERS", which indicates that the Respondent knew or should have known about the Complainant's rights and wanted to benefit from the association of the trademark registering the disputed domain name.

Also, the Complainant notes that the disputed domain name has been configured for mail exchange (MX) servers and claims that this indicates a risk that the Respondent is using the disputed domain name for e-mail phishing activities. While, in the abstract, the creation of such a record does not indicate any ill intent, in the circumstances of the present case where the Respondent has created a domain name that is confusingly similar to the Complainant's trademark, this MX record does require some further explanation which the Respondent has not provided.

All of the above leaves the Panel no other option than to conclude that the most likely intention of the Respondent was to intentionally attempt to attract, for commercial gain, Internet users to its website/disputed domain name by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and/or disputed domain name, as per illustrated under paragraph 3.1 of WIPO 3.0 Overview.

In light of the case's circumstances, based on the available records, the Panel finds that the Complainant has proven that the disputed domain name was registered and is used in bad faith according to paragraph 4(a)(iii) of the Policy.

D. Decision

For the preceding reasons and in concurrence with the provisions specified under Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelormittal-tenders.com**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2025-03-17

Publish the Decision