Decision for dispute CAC-UDRP-107373

Case number	CAC-UDRP-107373
Time of filing	2025-03-04 10:33:15
Domain names	arceliormittal.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	ROSE CHASE

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 states that it is the owner of the following trademark registration:

- International trademark registration No. 947686 “ARCELORMITTAL”, registered on 3 August 2007 for goods and services in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42.

The Complainant proved Its ownership of the named trademark registration by the submitted extract from the WIPO Madrid database.

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 Complainant owns, among others, the domain name <arcelormittal.com>, registered since 27 January 2006.

The disputed domain name <arceliormittal.com> (hereinafter “disputed domain name”) was registered on 27 February 2025.

According to the Registrar, the Respondent is 'Rose Chase'. The Respondent's provided address as being at the USA.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

RESPONDENT:

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 UDRP).

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 UDRP).

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 UDRP).

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

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant. Therefore, the Panel proceeds to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them [Paragraph 5(f) of The Rules].

1. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks.

The WIPO Overview 3.0 in Paragraph 1.2.1 states: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case".

The WIPO Overview 3.0 in Paragraph 1.7 states: "[…] in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

The WIPO Overview 3.0 in Paragraph 1.9 states: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element […] Examples of such typos include (i) adjacent keyboard letters […]."

In the WIPO Case No. D2020-3457, ArcelorMittal (Société Anonyme) v. Name Redacted <arcelormltal.com>, the panel stated that: "As the disputed domain name differs from the Complainant's trademark by just two letters, it must be considered a prototypical

example of typosquatting – which intentionally takes advantage of Internet users that inadvertently type an incorrect address (often a misspelling of the complainant's trademark) when seeking to access the trademark owner's website."

In the present case, the Complainant has established that it owns international trademark registration for the "ARCELORMITTAL" sign, protected for the classes in connection with steel production (evidenced by the extract from the WIPO Madrid database).

The disputed domain name <arceliormittal.com> contains the Complainant's trademark "ARCELORMITTAL" in its entirety with the mere addition of the letter "I" (which is an adjacent keyboard letter to "O").

Therefore, the disputed domain name differs from the Complainant's trademark by a single letter. According to the Panel, this is a clear example of typosquatting.

The disputed domain name is considered to be confusingly similar to the relevant trademark.

The ".com" element of the disputed domain names does not affect the finding of confusing similarity.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interest in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfils this demand, the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman). Moreover, past panels were of the view that it is difficult or sometimes impossible to prove negative facts, i.e., absence of rights or legitimate interest on the part of the Respondent. In this respect, past panels referred to the WIPO Case No. D2000-1769, Neusiedler Aktiengesellschaft v. Vinayak Kulkarni. Within the meaning of Paragraph 4(a)(ii) of the Policy, once the complainant has made something credible (prima facie evidence), the burden of proof shifts to the Respondent to show that he has rights or legitimate interests in the domain name at issue by providing concrete evidence.

The WIPO Overview 3.0 in Paragraph 2.5.1 states: "Generally speaking, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation."

In the Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>, the panel stated that: "Here, the WHOIS information of record identifies Respondent as 'Chad Moston / Elite Media Group.' The Panel therefore finds under Policy ¶ 4(c) (ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c) (ii)."

In the present case, the Complainant claims that the Respondent has no rights or legitimate interest in the disputed domain name and is not related in any way to 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.

The Complainant submitted a screenshot of the website under the disputed domain name, which shows that the disputed domain name is not actively used. The Respondent could hardly have any demonstrable plan to use the disputed domain name.

The Respondent is not identified in the submitted WHOIS information. As a result, the Respondent cannot be known under the disputed domain name.

Finally, the typosquatting occurred. Such action supports the lack of rights and legitimate interest of the Respondent in the disputed domain name.

To the satisfaction of the Panel, the Complainant made a prima facie case that there is no connection between the Complainant and the Respondent, and that the Respondent does not have authorization in the disputed domain name from the Complainant.

The Respondent did not file any Response to the Complaint. Thus, the Respondent failed to demonstrate rights or legitimate interest in the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

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

The Panel finds that the Respondent registered and used the disputed domain name in bad faith.

The WIPO Overview 3.0 in Paragraph 3.1.4 states: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith […]."

The WIPO Overview 3.0 in Paragraph 3.3 states: "From the inception of the UDRP, panelists have found that the non-use of a domain

name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding.”

In the CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono, the panel stated that: “There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.”

In the present case, the Complainant has established that it owns international trademark registration for the “ARCELORMITTAL” sign, protected for the classes in connection with steel production (proved by the extract from the WIPO Madrid).

The disputed domain name contains the Complainant’s trademark in its entirety. By adding a single letter “l” to the Complainant’s mark, the Respondent committed obvious typosquatting.

From the furnished Website about ArcelorMittal, it is clear that the Complainant and Its trademark has a certain reputation worldwide. Past panels have declared that the Complainant’s trademark is widely known (see, e.g., the CAC Case No. 101908, ARCELORMITTAL v. China Capital or the CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd).

The panels in the aforementioned cases concluded that the disputed domain name is confusingly similar to the highly distinctive and widely recognized earlier trademark of the Complainant. This finding supports the bad faith of the Respondent.

As was proved by the submitted screenshot of the website under the disputed domain name, the disputed domain name leads Internet users to a blanket (inactive) page. This might indicate the intention of the Respondent to sell, rent or otherwise transfer the domain name registration to the Complainant. At the same time, it is clear that the Respondent is passively holding the disputed domain name and there exists a risk that the Respondent is not using and will not use it for any good faith purpose.

This conclusion is supported by the following facts of the case:

(i) The Complainant’s trademark is widely known because of the Complainant’s international business network and activities,

(ii) the Respondent has provided no Response to the Complaint and so failed to evidence any actual or contemplated good faith use of the disputed domain name,

(iii) the Respondent registered and is operating the disputed domain name under a name that is not a registered business name,

(iv) the disputed domain name leads Internet users to a blanket webpage,

(v) taking into account all of the above, 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.

Finally, the Complainant submitted the screenshot of the DNS Query, according to which the disputed domain name has been set up with MX records and so the disputed domain name may be actively used for e-mail purposes.

Based on the above findings, the Panel cannot see any possibility of legitimate email activities in connection with the disputed domain name from the Respondent. Thus, it might be concluded that the Respondent did not register and is not using the disputed domain name in good faith.

Following the above-mentioned, the Panel finds that the Complainant has satisfied conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arceliormittal.com**: Transferred

PANELLISTS

Name	**Radim Charvát**

DATE OF PANEL DECISION 2025-04-02

Publish the Decision