Decision for dispute CAC-UDRP-107459

Case number	CAC-UDRP-107459
Time of filing	2025-04-02 11:40:06
Domain names	arcelomltttal.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	BiG

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 International Trademark Registration No. 947686, dated August 3, 2007, for the name ARCELORMITTAL.

FACTUAL BACKGROUND

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

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 57.9 million tons of crude steel made in 2024. It holds sizable captive supplies of raw materials and operates extensive distribution networks. It operates its business under the name ARCELORMITTAL and is the owner of an international trademark registration for this name. The Complainant also owns a number of domain names that reflect its trademark including <arcelormittal.com> which was registered and has been in use by the Complainant since 2006.

The disputed domain name was registered on March 25, 2025 and resolves to a blank page with a message "Hmm, we can't find this site“.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES CONTENTIONS

COMPLAINANT

The arcelomlttal.com domain name is confusingly similar to the ARCELORMITTAL trademark as it is merely a typosquatted variation of the trademark.

The Respondent has no rights or legitimate interests in the disputed domain name where it is not commonly known thereby and it has engaged in passive holding, i.e., there is no substantive website content associated with the disputed domain name.

The disputed domain name was registered and is used in bad faith based on the Complainant's trademark being well known and the Respondent engaging in passive holding of a typosquatted domain name.

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

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Jurisprudential Overview 3.0 at paragraph 4.3; see also GROUPE CANAL + v. Danny Sullivan, 102809 (CAC January 21, 2020) (“the Panel, based on the poorly supported and conclusory allegations of the Complainant, retains that the Complainant has not prevailed on all three elements of the paragraph 4(a) of the Policy and, therefore, rejects the Complaint.”).

1. Is the disputed domain name confusingly similar to a trademark or service mark in which the Complainant has rights?

Paragraph 4(a)(i) of the Policy is a standing requirement which is satisfied if the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. Furthermore, it is not as extensive as the “likelihood of confusion” test for trademark infringement applied by many courts. Rather, under the Policy confusing similarity is commonly tested by comparing

the Complainant’s trademark and the disputed domain name in appearance, sound, meaning, and overall impression. See Administradora de Marcas RD, S. de R.L. de C.V. v. DNS Manager / Profile Group, 101341 (CAC November 28, 2016).

It has been consistently held that “[r]egistration of a mark with governmental trademark agencies is sufficient to establish rights in that mark for the purposes of Policy paragraph 4(a)(i).” Teleflex Incorporated v. Leisa Idalski, FA 1794131 (FORUM July 31, 2018). In this case, the Complainant has submitted screenshots from the World Intellectual Property Organization (WIPO) website demonstrating that it owns a registration of the ARCELORMITTAL trademark. The Panel accepts this evidence as proof of the Complainant’s asserted trademark rights.

Next, UDRP panels have consistently held that where the asserted trademark is recognizable within a disputed domain name, a minor misspelling does not prevent a finding of confusing similarity under paragraph 4(a)(i) of the Policy. The disputed domain name is a misspelling of the trademark ARCELORMITTAL in which the letter “R” is deleted, the letter “I” is substituted for the letter “L” and the letter “T” is added. The domain name further adds the “.com” gTLD which typically adds no meaning to a domain name. Lesaffre et Compagnie v. Tims Dozman, 102430 (CAC May 2, 2019) (“the top-level suffix in the domain name (i.e. the ‘.com’) must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.“). Thus, the Complainant asserts that the disputed domain name is confusingly similar to the asserted trademark and will lead internet users to wrongly believe that the disputed domain name originates from or is endorsed by the Complainant. Prior panels have found confusing similarity under similar fact situations. Guangdong Qisitech CO., LTD. v. Xiao Chun Liu, UDRP-107372 (CAC April 22, 2025) (confusing similarity found where “[t]he disputed domain names [geekbari.com, geekbarcm.com, geekbarz.com] contain the Complainant's trade mark “GEEK BAR” in its entirety with the addition of the letters “i”, “cm” and “z”.”).

Accordingly, the Panel finds that the Complainant has rights to the ARCELORMITTAL trademark and that the disputed domain name is confusingly similar to such trademark. Thus, the Complainant has satisfied paragraph 4(a)(i) of the Policy.

2. Does the Respondent have rights or legitimate interests in the disputed domain name?

Paragraph 4(c) of the Policy sets out certain circumstances which, if proven by the evidence presented, may demonstrate a respondent’s rights or legitimate interests in respect of a disputed domain name.

The Panel concludes, on the basis of the Complainant's undisputed contentions, that the Respondent has not made use of the disputed domain name in connection with a bona fide offering of goods or services as noted in paragraph 4(c)(i) of the Policy. The Respondent has not been authorized to use the Complainant's ARCELORMITTAL trademark, either as domain name or in any other way. Rather, the Respondent is using the disputed domain name to resolve to a blank page that contains only the message "Hmm, we can't find this site“. Therefore, this Panel concludes that the disputed domain name fully incorporates the Complainant's ARCELORMITTAL trademark and that the Respondent is seeking to divert Internet users who are trying to reach the Complainant but, due to the confusing similarity of the disputed domain name with the Complainant's trademark, end up at the Respondent's website instead. Past decisions under the Policy have held that such use of the disputed domain name is not a bona fide offering of goods or services. See, e.g., DIGITAL CLASSIFIEDS FRANCE v. Cralos Ramirez Fuentes, UDRP-105639 (CAC August 17, 2023) (no bona fide use found where "the Complainant has demonstrated that the disputed domain name did not in the past, and still does not, connect to any relevant content on the Internet, but is passively held by the Respondent instead ").

Further, as the Whois record for the disputed domain name identifies the Registrant Name as "mon nehh“ and the Registrant Organization as „BIG“, and whereas Respondent has submitted no Response nor made any other submission in this case, there is no evidence before this Panel to suggest that the Respondent is commonly known by the disputed domain name or that it has any trademark rights associated with the name "ARCELORMITTAL" under paragraph 4(c)(ii) of the Policy.

Finally, it cannot be said that the Respondent has made a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain as noted in paragraph 4(c)(iii) of the Policy. There is no evidence of record to show, and this Panel is not aware of any information to indicate that the word "arcelormittal" has any generic or descriptive meaning. Nor does it appear that the disputed domain name and its resulting blank website are referring to the Complainant's trademark in any nominative or other classic fair use manner such as for the purpose of commentary, news reporting, grievance, education, or the like.

Therefore, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) and of the Policy and demonstrated that the Respondent has no rights or legitimate interests in the disputed domain name.

3. Was the disputed domain name registered and used in bad faith?

In order to prevail in a dispute, paragraph 4(a)(iii) of the Policy requires that the Complainant prove that the disputed domain name has both been registered and is being used in bad faith.

The Complainant states that it is the largest steel producing company in the world and is the market leader in steel for use in a variety of products and industries. As such, its ARCELORMITTAL trademark is well-known and has been recognized as such in prior cases brought by the Complainant. See, e.g., ArcelorMittal SA v. Tina Campbell, DCO2018-0005 (WIPO March 28, 2018) ("The Panel finds that the trademark ARCELORMITTAL is so well-known internationally for metals and steel production that it is inconceivable that the Respondent might have registered a domain name similar to or incorporating the mark without knowing of it.") This fact, combined with the disputed domain name's use of a typosquatted version of the coined word ARCELORMITTAL, leads this Panel to the conclusion that the Respondent registered the disputed domain name with knowledge of the Complainant's trademark. It has been held in prior decisions that such activity supports a finding of bad faith domain name registration. 7-Eleven, Inc. v. charles rasputin, FA 1829082 (FORUM March 9, 2019) (in relation to the domain name 7elevendelivered.com and others, "Respondent had actual knowledge of Complainant's rights in the 7 ELEVEN mark at the time of registering the infringing domain names. Actual knowledge of a complainant's rights in a mark prior to registering a confusingly similar domain name can evince bad faith under Policy 4(a)(iii).").

As for use, the Complainant has submitted evidence that the disputed domain name resolves to a page with no substantive content. Such lack of activity has routinely been held to demonstrate bad faith use of a domain name that is confusingly similar to an asserted trademark. BOURSORAMA v. Sahad Mohammed Riviera (Sahari Muti Inc), UDRP-105427 (CAC June 15, 2023) ("a passive holding of a disputed domain name may, in appropriate circumstances, be consistent with the finding of bad faith, in particular in circumstances in which, for example, (1) the Complainant's trademark is reputed and (2) there is no conceivable use that could be made of the disputed domain name and would not amount to an infringement of the complainant's trademark's rights.") The Panel in this case finds that, in accordance with paragraph 4(b)(iv) of the Policy, the disputed domain name has been used in bad faith as it creates a likelihood of confusion with the ARCELORMITTAL trademark and resolves to a blank website.

Finally, the disputed domain name is a typosquatted version of the Complainant's well-known and distinctive mark and this, alone, has been held to be evidence of bad faith. See Chocoladefabriken Lindt & Sprüngli AG v. Louth Ecom, UDRP-106391 (CAC April 22, 2024) (the domain name liindt.com is used in bad faith where "the disputed domain name appears to be a clear case of typosquatting."). The fact that the present Respondent had engaged in typosquatting provides further support for the Panel's finding of bad faith

In light of the above, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) and that the disputed domain name has been registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelomltttal.com**: Transferred

PANELLISTS

Name	**Steven Levy**

DATE OF PANEL DECISION 2025-04-30

Publish the Decision