Decision for dispute CAC-UDRP-107472

Case number	CAC-UDRP-107472
Time of filing	2025-04-09 09:36:10
Domain names	vendasarcelormittal.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	vendas maltti

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

In this proceeding the Complainant relies on the following trademark registrations:

- International Trademark Registration under the Madrid system No. 947686 "ArcelorMittal" (word), registration date is August 03, 2007, protected in various states, including Albania, Algeria, Bosnia and Herzegovina, China, Croatia, Egypt, Japan, Kazakhstan, Republic of Korea, Serbia and Switzerland and
- Brazilian Trademark Registration No. 829481591 "ArcelorMittal" (word), registration date is August 04, 2015.

The Complainant also refers to its portfolio of "ArcelorMittal" domain names, including <arcelormittal.com> registered since January 27, 2006.

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant states that it is the largest steel manufacturing company in the world and is the market leader in steel production for use in automotive, construction, household appliances and packaging with 57.9 million tons crude steel made in 2024.

The Complainant is the owner of the “ArcelorMittal” trademarks referred to above and owns various "ArcelorMittal" domain names, including <arcelormittal.com>.

The disputed domain name was registered on April 05, 2025 and resolves to a parking page with MX servers configured.

The Complainant claims that the disputed domain name is confusingly similar to its trademarks. The addition of the term “VENDAS” (meaning “SALES” in Portuguese) is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademarks of the Complainant.

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.

Therefore, the Complainant claims the disputed domain name is confusingly similar to its “ArcelorMittal” trademark.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS 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.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name as 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, or apply for registration of the disputed domain name.

The disputed domain name is inactive (resolves to a parking page) and, in the Complainant’s view, this confirms that the Respondent has no demonstrable plans to use the disputed domain name.

Based on the above, the Complainant claims that the second element of the UDRP is evident and prima-facie requirement has been satisfied.

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

The Complainant's arguments on the bad faith element can be summarized as follows:

1. The Complainant claims that its “ArcelorMittal” trademark is well-known and refers to previous decisions of UDRP panels that confirm well-known character of the Complainant’s trademark.
2. The Complainant alleges that given the distinctiveness of the Complainant's trademark the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.
3. The Complainant relies on the “**Telstra**” decision (WIPO Case No. D2000-0003, “**Telstra Corporation Limited v. Nuclear Marshmallows**”) and alleges that passive holding in the present case indicates bad faith of the Respondent since it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate and the incorporation of a famous mark into a domain name, coupled with an inactive website indicates bad faith.
4. The fact that MX servers are configured, in the Complainant’s opinion, suggests that, despite being inactive, the disputed domain name may be actively used for e-mail purposes.

Therefore, the Complainant claims the disputed domain name was registered and is being used in bad faith.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the "Factual Background" section above

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

A. Identical or confusingly similar

The Complainant provides evidence of "ArcelorMittal" trademark registrations protected in various jurisdictions.

As confirmed by the "WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition" ("WIPO Overview 3.0"): "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" (see 1.2.1).

Therefore, the Complainant established its trademark ownership for the purpose of the Policy.

The test for confusing similarity under the UDRP is relatively straightforward and typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The disputed domain name incorporates the "ArcelorMittal" mark of the Complainant. The addition of a descriptive term "VENDAS" ("SALES" in Portuguese) does not change the overall perception of the disputed domain name as being confusingly similar to the Complainant's mark.

The Panel agrees with the view expressed in WIPO Overview 3.0: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element" (see sec. 1.8). The Complainant's mark is a dominant element in the disputed domain name and is clearly recognizable within the disputed domain name.

The gTLD ".com" is to be disregarded under the confusing similarity test as it does nothing to eliminate confusion.
Therefore, the Panel finds that the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see "**Julian Barnes v. Old Barn Studios**", WIPO Case No. D2001-0121.

The disputed domain name was registered on April 05, 2025. It does not resolve to any active page on the date of this decision.

The Respondent did not respond.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the Panel to draw such inferences as it considers appropriate (see paragraph 14(b) of the Rules and **CAC Case No. 101284**: "A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant").

The Complainant has made a prima facie case of the Respondent's lack of rights or legitimate interests.

The Respondent is not known by the disputed domain name and is identified as an individual from Brazil with no apparent connection to the Complainant's business, the disputed domain name or any name corresponding to the disputed domain name. The Complainant has not granted any license or authorization to use its trademark registered many years prior to the registration of the disputed domain name to the Respondent and the Complainant is not doing any business with the Respondent.

The disputed domain name has not been actively used.
The Panel finds that in the circumstances of the present dispute the Respondent does not have rights or legitimate interests in respect of the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith. These circumstances are non-exhaustive and other factors can also be considered in deciding about the bad faith element.
It is well established that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark (see sec. 3.1 of WIPO Overview 3.0). Targeting with the intent to take unfair advantage of the complainant's mark is important in establishing bad faith under the UDRP.
As noted in "UDRP Perspectives on Recent Jurisprudence", updated on January 15, 2025, sec. 3.3: "Targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name (e.g. mark plus a term describing Complainant's business), timing of registration of a domain name and timing of trademark registration, geographic proximity of the parties".

The Panel finds that the disputed domain name was registered and is being used in bad faith based on the following:

-The nature of the disputed domain name – fully incorporating the Complainant's trademark plus a descriptive term and the timing of the registration of the disputed domain name, many years after the Complainant obtained protection for its trademark and started its business under the same name;

-The strength and reputation of the Complainant's trademark. The Complainant alleges that its "ArcelorMittal" is well-known and refers to previous UDRP decisions. The Panel notes that the Complainant provided only limited evidence of well-known character of the "ArcelorMittal" trademark (copies of webpages of the Complainant's Internet site with a description of its business and some facts and figures). Normally, more evidence is required to establish that a trademark is well-known (e.g. evidence of awards, publications by independent sources, media reports, etc.). However, this is not fatal to the Complainant in the present dispute. The Panel indeed finds that the mark is widely known despite limited evidence provided by the Complainant. Panel's own limited independent research of publicly available sources also confirmed well-known character of the Complainant's trademark (exercising its powers under par. 10 of the UDRP rules) such as "Wikipedia" articles and publicly available publications about the Complainant and its activities in different countries, including business activities in Brazil, a country of the Respondent's residence. Besides, previous UDRP decisions relating to the "ArcelorMittal" trademark could be an additional indication of popularity of the Complainant's trademark. While each UDRP case is unique and has its own set of facts and circumstances, previous decisions in Complainant's favor can demonstrate that the Complainant's mark was already targeted by cybersquatters and is popular (see e.g. **CAC Case 105238**: "The Panel concludes that the Complainant's "ARCELORMITTAL" trademark is of distinctive character and is well-known" and **CAC Case No. 101667**: "The Panel is convinced that the Trademark is highly distinctive and well-established");

-Passive holding of the disputed domain name in the circumstances of this case indicates both registration and use in bad faith.

WIPO Overview 3.0 states that "from the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding" and the panelists "will look at the totality of the circumstances in each case" (see 3.3). The Panel notes that passive holding per se does not indicate bad faith and the totality of the circumstances is important, see sec. 3.3 of WIPO Overview and sec. 3.7 of UDRP Perspectives.

However, the totality of circumstances of this dispute demonstrates bad faith of the Respondent, in particular: i) strength of the Complainant's mark, ii) failure of the Respondent to respond and take part in this proceeding and iii) the implausibility of any good faith use to which the domain name may be put – the Panel does not find any circumstances under which the Respondent could legitimately use the disputed domain name that is so closely associated with the Complainant. Any possible explanation of a potential legitimate use is solely within the Respondent's knowledge and the Respondent failed to respond and provide any explanations. The fact that the disputed domain name is not used for any website but MX records are configured is an additional indication of bad faith in the circumstances of this case (see **CAC Case No. 105370**: "Although the disputed domain name appears to be inactive, it has been set up with MX records, which suggests that it may be actively used for fraudulent email purposes" and **CAC Case No. 105258**: "the fact that MX servers are configured suggests that the disputed domain name may be actively used for email purposes").

The Panel notes that the disputed domain name was registered only recently, on April 5, 2025. In such circumstances, the Panel appreciates that the Respondent did not have enough time to develop any active website at the disputed domain name prior to the dispute. However, given the nature of the disputed domain name as explained above, it is highly unlikely that the Respondent is able to develop a website that would not infringe on the Complainant's rights and indeed there is an implausibility of good faith use of the disputed domain name;

- The Panel finds that this is a clear case of targeting and an attempt to take unfair advantage of the Complainant's trademark and reputation by the Respondent. There are no rights or legitimate interests of the Respondent taking into account evidence and facts of this case and the only apparent reason for registration of the disputed domain name is the intent of the Respondent to take

advantage of the Complainant’s mark and business reputation.

Based on the above, the Panel finds that Respondent’s behavior falls within, at least, par. 4 b (iv) of UDRP and the Respondent by using the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement and that the Respondent takes unfair advantage of the Complainant’s mark.

The Panel holds that the third requirement of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **vendasarcelormittal.com**: Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2025-05-02

Publish the Decision