Decision for dispute CAC-UDRP-107499

Case number	CAC-UDRP-107499
Time of filing	2025-04-17 11:26:46
Domain names	XN--MITTALAOS-W3A.COM

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Inovaaco inovaaco

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 registered owner of the following trademarks:

- International word trademark MITTAL reg. no. 1198046, with the priority date as of 5 December 2013;
- European trademark MITTAL reg. no. 3975786, with the priority date as of 9 August 2004;
- European figurative trademark MITTAL reg. no. 4507471, with the priority date as of 23 June 2005.

("**Complainant's Trademarks**").

The disputed domain name <mittalaços.com> was registered on 16 April 2025.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

(a) the Complainant is the largest steel and mining company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging. It holds sizeable captive supplies of raw materials and operates extensive

distribution networks, notably in Brazil where the Respondent is located;

(b) the Complainant is the owner of Complainant's Trademarks;

(c) the Complainant owns various domain names containing the distinctive element "Mittal" such as <mittal-steel.com> registered since 18 May 2009;

(d) the disputed domain name was registered on 16 April 2025; and

(e) the disputed domain name resolves to a website in Portuguese language offering steel materials.

The Complainant seeks transfer of the disputed domain name to the Complainant.

PARTIES CONTENTIONS

THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

(i) the disputed domain name is confusingly similar to Complainant's Trademarks as it contains the word element of such trademark in its entirety and the addition of the descriptive term "AÇOS" (meaning "STEELS" in English) is not sufficient to escape the finding that the disputed domain name is confusingly similar to Complainant's Trademarks;

(ii) the Respondent is not affiliated with the Complainant nor authorized by it in any way to use Complainant's Trademarks. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither is the Respondent using the disputed domain name for bona fide offering of goods or services. Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name was registered in order to create a likelihood of confusion with the Complainant and its trademarks. By profiting of the notoriety of the Complainant's Trademarks the Respondent uses the disputed domain name to offer services in direct competition with the Complainant. Using a confusingly similar domain name that resolves to a competing webpage is an intentional attempt to create confusing similarity with the Complainant and Complainant's Trademarks and thus the disputed domain name has been registered and is being used in bad faith.

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

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 Uniform Domain Name Dispute Resolution Policy ("**UDRP**" or "**Policy**")).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or revoked:

(i) the disputed domain name is identical or confusingly similar to a trademark 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 in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

RIGHTS

The disputed domain name is confusingly similar to Complainant’s Trademarks. It contains the word element of Complainant's Trademarks "MITTAL" in its entirety and addition of descriptive term "AÇOS" which means "STEELS" in English language cannot diminish confusing similarity of disputed domain name to Complainant's Trademarks.

For sake of completeness, the Panel asserts that 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.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the UDRP.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP (please see, for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). On the contrary, the Respondent is using the disputed domain name to advertise steel products i.e., products that directly compete with those of the Complainant, which can hardly be regarded as a bona fide offering of goods or services.

Therefore, the Panel concludes that the Respondent has 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 disputed domain name resolves to a website offering competing steel materials under the name "MITTAL AÇOS" in Portuguese which translates to "MITTAL STEELS" in English. The Panel fully agrees with the Complainant that the Respondent deliberately uses the domain name to divert Internet users searching for the Complainant’s website to the Respondent’s competing website, and to create a likelihood of confusion with the Complainant’s mark for the Respondent’s commercial gain by offering competing services. This is one of the clear examples of bad faith in registration and use of the disputed domain name (within the meaning of paragraph 4(a)(iii) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **XN--MITTALAOS-W3A.COM**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2025-05-17

Publish the Decision