Decision for dispute CAC-UDRP-107500

Case number	CAC-UDRP-107500
Time of filing	2025-04-17 11:43:05
Domain names	promocaomittal.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	HELOISA ANDRADE

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 claims to be the owner of numerous trademarks "MITTAL" in various jurisdictions worldwide, including the following:

- International trademark No. 1198046 registered on 5 December 2013;
- European trademark No. 3975786 registered on 9 August 2004;
- European trademark No. 4507471 registered on 23 June 2005;
- Brazilian trademark No. 827015844 registered on 11 July 2017.

FACTUAL BACKGROUND

The Complainant is a company specialized in steel production and is recognized as the largest steel-producing company in the world. In 2024, it produced approximately 57.9 million tons of crude steel. The Complainant is a global market leader in steel used in various sectors, including automotive, construction, household appliances, and packaging.

In addition to its industrial operations, the Complainant maintains significant captive supplies of raw materials and manages extensive distribution networks worldwide, including a notable presence in Brazil, where the Respondent is located.

The Complainant holds a substantial portfolio of domain names incorporating the "MITTAL" trademark. Among these is the domain name <mittal.eu>, which has been registered since 23 February 2010.

The Respondent appears to be an individual based in Sao Paulo, Brazil.

The disputed domain name was registered on 17 March 2025.

PARTIES CONTENTIONS

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

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).

The Complainant claims rights in the MITTAL mark through numerous trademark registrations in various jurisdictions. These registrations establish the Complainant's ownership and enforceable rights in the mark. Accordingly, the Panel finds that the Complainant has established trademark rights in accordance with paragraph 4(a)(i) of the Policy. See Avast Software s. r. o. v. Milen Radumilo, Case No. CAC 102384 (12 March 2019).

The Complainant asserts that the disputed domain name is confusingly similar to its MITTAL trademark. The domain name fully incorporates the MITTAL mark. The addition of the term "PROMOCAO" (meaning "promotion" in Portuguese) is descriptive and does not prevent a finding of confusing similarity. It does not materially alter the dominant portion of the mark nor dispel the impression that the domain name is associated with the Complainant.

Furthermore, the addition of the generic top-level domain ("gTLD") ".com" is technically required for domain names and does not affect the assessment of confusing similarity. It does not serve to distinguish the disputed domain name from the Complainant's trademark.

The Panel notes that a side-by-side comparison supports a finding of confusing similarity, consistent with paragraph 1.7 of the WIPO Jurisprudential Overview 3.0.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant asserts that the Respondent is not commonly known by the disputed domain name, noting that the WHOIS information does not reflect any name corresponding to the disputed domain name.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant in any way and has not been authorized, licensed, or otherwise permitted to use the Complainant's MITTAL trademark or to register any domain name incorporating the mark.

Moreover, the Complainant asserts that the Respondent has neither used the disputed domain name for any legitimate non-commercial or fair use purposes, nor demonstrated any preparations to do so. There is no evidence indicating that the Respondent has made any bona fide offering of goods or services under the domain name.

The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once a prima facie case is made, the burden shifts to the Respondent to come forward with evidence demonstrating such rights or legitimate interests under paragraph 4(c) of the Policy.

However, the Respondent has failed to submit any response or evidence to rebut the Complainant's assertions within the required timeframe.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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).

The Complainant reiterates that it is the largest steel-producing company in the world, with significant operations in Brazil, where the Respondent is located. Given the distinctive nature of the MITTAL trademark and the Complainant's global reputation, particularly in the steel industry, the Panel finds it reasonable to infer that the Respondent registered the disputed domain name with actual or constructive knowledge of the Complainant's trademark rights.

The Complainant contends that the disputed domain name resolves to an inactive webpage. The Respondent has not demonstrated any bona fide use or intention to use the disputed domain name for a legitimate purpose. In the absence of any explanation or evidence of legitimate activity, and in view of the Complainant's well-known mark, the Panel finds that the passive holding of the domain name, in these circumstances, supports a finding of bad faith. As stated in Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, the passive holding of a domain name may constitute bad faith where it is not possible to conceive of any plausible legitimate use.

Considering the overall circumstances of the case, including the Complainant's global reputation, extensive trademark rights in the MITTAL mark, the Respondent's location in a jurisdiction where the Complainant operates, and the lack of any response or evidence from the Respondent, the Panel concludes that the Respondent likely had actual knowledge of the Complainant's trademark at the time of registration. The deliberate registration of a domain name incorporating a well-known mark, without any apparent legitimate purpose, and the passive holding of the domain, support a finding of bad faith.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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

Having established all three elements required under the UDRP Policy, the Panel concludes that the disputed domain name should be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **promocaomittal.com**: Transferred

PANELLISTS

Name	**Mr Paddy TAM**

DATE OF PANEL DECISION 2025-05-24

Publish the Decision