Decision for dispute CAC-UDRP-107504

Case number	CAC-UDRP-107504
Time of filing	2025-04-22 09:51:28
Domain names	arcelorinvest.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	ddarynee ddarynee

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 the international trademark portfolio, including international trademark No. 778212 ARCELOR registered on February 25, 2002 for goods and services in classes 01, 06, 07, 09, 12, 37, 40, 42 of the International Classification of Goods and Services.

FACTUAL BACKGROUND

The Complainant is a world company specialized in steel producing and is the market leader in steel for use in automotive, construction, household appliances and packaging with 59 million tons crude steel made in 2022.

The Complainant also owns an important domain names portfolio including the same distinctive wording ARCELOR, such as <arcelor.com> registered and used since August 29, 2001.

The disputed domain name was registered on April 15, 2025, and at the moment of filing the complaint resolved to a website displaying the Complainant’s trademark offering investments services.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules have been satisfied. In particular, the Complainant asserts that:

(1) the disputed domain name is confusingly similar to its ARCELOR trademark in which the Complainant has rights. The addition of the term “INVEST” is not sufficient to escape the finding that the domain name is confusingly similar to the trademark ARCELOR, whereas the gTLD “.COM” is viewed as a standard registration requirement and as such is disregarded under the first element confusion similarity test;

(2) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and it is not related in any way with the Complainant. The Respondent is not identified in the Whois database as the disputed domain name and is not known as the disputed domain name. 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 ARCELOR, or apply for registration of the disputed domain name by the Complainant. The disputed domain name resolves to a page displaying the Complainant’s logo. This use cannot be considered a bona fide offer of services or a legitimate use of domain names, since the website misleads consumers into believing that they are accessing the Complainant's website;

(3) the disputed domain name was registered and is being used in bad faith. The Complainant’s trademark ARCELOR is widely known. The Respondent has registered the disputed domain name with full knowledge of the Complainant’s trademark. The disputed domain name resolves to a website reproducing the Complainant’s logo. By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial purposes, internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website. In addition, the Respondent may collect personal information through this website, including passwords.

The Complainant requests transfer of the disputed domain name.

The Respondent

The Respondent did not reply to the Complainant’s contentions.

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

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

1) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark in which the Complainant has rights;

2) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

3) that the disputed domain name has been registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

Moreover, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") and, where appropriate, will decide consistent with the consensus views captured therein.

(1) Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy it should be established that the disputed domain name is identical or confusingly similar to a mark in which the complainant has rights.

The Panel confirms that for the purposes of paragraph 4(a)(i) of the Policy, the Complainant has satisfied the threshold requirement of having relevant trademark rights for ARCELOR in jurisdictions throughout the world.

With the Complainant's rights in ARCELOR trademark established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's mark.

It is well accepted that the first element functions primarily as a standing requirement and that the threshold test for confusing similarity involves a "reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name". WIPO Overview 3.0, section 1.7. This test typically involves a side-by-side comparison of the disputed 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 contains the name "arcelor" in its entirety, adding the generic term "invest", which is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark. Prior UDRP panels have recognized that confusing similarity is established for purposes of the Policy where the disputed domain name incorporates the complainant's trademark in its entirety. See WIPO Overview 3.0, section 1.7.

The generic Top-Level Domain ("gTLD") ".com" may be disregarded for purposes of comparison under the first element, as they are viewed as a standard registration requirement. See WIPO Overview 3.0, section 1.11.1.

For all of the above-mentioned reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark and therefore finds that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

(2) Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

As established by previous UDRP panels, it is sufficient for the Complainant to make a prima facie case demonstrating that the Respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the Respondent (see section 2.1 of the WIPO Overview 3.0).

In the present case, the Complainant has established a prima facie case that the Respondent has no legitimate reason to register and use the disputed domain name.

The evidence in the case file shows that the Respondent is not identified in the Whois database as the disputed domain name and not commonly known by the disputed domain name.

The Complainant has credibly submitted that the Respondent is neither affiliated with the Complainant in any way nor has it been authorized by the Complainant to use and register the disputed domain name, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Respondent has not made and is not making a legitimate noncommercial or fair use of the disputed domain name and is not commonly known by the disputed domain name in accordance with paragraph 4(c)(ii) of the Policy.

The present submission also does not contain any evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization.

The disputed domain name resolves to a page displaying the Complainant's logo. According to the Panel, this use cannot be considered a bona fide offer of services or a legitimate use of the disputed domain name, since the website misleads consumers into believing that they are accessing the Complainant's website. Accordingly, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name nor is it using the disputed domain name in connection with a bona fide offering of goods or services, so as to confer a right or legitimate interest in it in accordance with paragraph 4(c)(i) of the Policy.

Once the Complainant makes a prima facie case, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name.

The Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name. With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied and that it is

undoubtedly established that the Respondent has no rights or legitimate interests in respect to the disputed domain name.

(3) Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith.

The Complainant's trademark ARCELOR significantly predates the registration date of the disputed domain name. In addition, the Complainant enjoys a long-lasting worldwide reputation, which has also been established by several previous panels for years. See CAC Case No. 100756, ARCELORMITTAL S.A. v. Arcelor Staffing Solution. Therefore, under this Panel's view, the Respondent's choice of the disputed domain name cannot have been accidental and must have been influenced by the fame of the Complainant and its earlier trademarks.

In light of these particular circumstances, the Panel concludes that the Complainant has succeeded in proving the requirement of paragraph 4(a)(iii) that the disputed domain name was registered in bad faith by the Respondent.

Furthermore, the disputed domain name resolves to a website reproducing the Complainant's logo. Therefore, the Panel is of the opinion that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial purposes, internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website.

The Respondent has provided no evidence of actual or contemplated good-faith use of the disputed domain name and, under the circumstance of this case, the Panel does not find any such use plausible.

In light of the above, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith and that the Complainant has established its case under 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. **arcelorinvest.com**: Transferred

PANELLISTS

Name	**Ganna Prokhorova**

DATE OF PANEL DECISION 2025-06-03

Publish the Decision