Decision for dispute CAC-UDRP-107534

Case number	CAC-UDRP-107534
Time of filing	2025-05-05 09:43:27
Domain names	xn--aomittal-s0a.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Acos Mittal

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 numerous trademarks “MITTAL” such as:

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

(hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is ARCELORMITTAL S.A., a company specializing in steel production. 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 crude steel made in 2024.

The Complainant also owns an important domain names portfolio, such as the domain name <mittal-steel.com> registered since May 18, 2009.

The disputed domain name <xn--aomittal-s0a.com> (<açomittal.com>) was registered on April 26, 2025 and resolved at the time of filing to an active website offering steel materials.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that the Whois info of the Respondent is false, since the location does not exist and the registrant's use of the name "Acos Mittal" reinforces the risk of confusion, and is evidence of lack of legitimate interest. Furthermore, the Respondent is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant and that there cannot be any bona fide offering of goods since the Respondent uses the disputed domain name to offer services in direct competition with the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its well-known Trademark at the time of registration of the disputed domain name and that the Respondent's use of the disputed domain name by diverting Internet users searching for the Complainant’s website to the Respondent’s competing website, in order to create a likelihood of confusion with the Trademark for the Respondent’s commercial gain by offering competing services is evidence of bad faith.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; 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.

IDENTICAL OR CONFUSINGLY SIMILAR

The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates it. It is well established that a domain name that wholly incorporates a trademark may be confusingly similar to such trademark for purposes of the Policy. In this case the confusing similarity is enhanced by the word "aço" which means "steel" in Portuguese.

RIGHTS OR LEGITIMATE INTERESTS

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

Nevertheless, the Panel notes that the alleged provision of a false postal address is not supported by sufficient evidence and cannot be accepted as additional evidence for the lack of legitimate interest.

BAD FAITH

The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and well-established. Indeed, taking into account the distinctiveness of the Trademark, which long predated the disputed domain name, it is inconceivable that the Respondent was not aware of the Complainant's rights when registering the disputed domain name. Furthermore, the Respondent is based in Brazil, and it is safe to assume that they speak Portuguese, therefore the combination of choosing the word "steel" in Portuguese together with the Trademark for the disputed domain name, as well as market steel products is indicative that the Respondent knew and targets the Complainant.

Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith. The disputed domain name resolves to a website offering competing steel materials. Thus, the Respondent uses the disputed domain name to divert Internet users searching for the Complainant’s website to the Respondent’s competing website, in order to create a likelihood of confusion with the Complainant’s Trademark for the Respondent’s commercial gain.

The Respondent failed to file a Response and therefore did not provide evidence of any actual or contemplated good faith use of the disputed domain name. For these reasons, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **xn--aomittal-s0a.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2025-06-11

Publish the Decision