Decision for dispute CAC-UDRP-107536

Case number	CAC-UDRP-107536
Time of filing	2025-04-30 14:54:04
Domain names	arcelorinvestors.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Vijaya Prasad

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

Complainant states, and provides documentation in support thereof, that it is the owner of Int'l Reg. No. 778,212 for ARCELOR (registered February 25, 2002) for use in connection with, inter alia, "common metals, unwrought or semi-wrought, and their alloys, including steels, cast iron, stainless steels, plated steels" (the "ARCELOR Trademark").

FACTUAL BACKGROUND

Complainant states that it 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 58.1 million tons crude steel made in 2023." Complainant further states that it is the registrant of the domain name <arcelor.com> (registered August 29, 2001).

The disputed domain name was created on April 28, 2025, and, as stated in the Complaint and as supported by relevant documentation, "resolves to a page displaying the Complainant's logo." A printout provided by Complainant shows a website with the logo and the text, "Start Investing & Earn Money / Finding Financial Freedom / Invest your capital through the best platform and save with crypto and stocks to earn interest in real time."

PARTIES CONTENTIONS

Complainant contends, in relevant part, as follows:

Paragraph 4(a)(i): Complainant states that the disputed domain name is confusingly similar to the ARCELOR Trademark because the trademark "is identically contained" in the domain name; "the addition of the term 'INVESTORS' is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademarks" because "[i]t does not change the overall impression of the designation as being connected to the Complainant's trademarks"; and "the addition of the suffix '.COM' does not change the overall impression of the designation as being connected to the Complainant's trademarks."

Paragraph 4(a)(ii): Complainant states that Respondent has no rights or legitimate interests in respect of the disputed domain name because, inter alia, "the Respondent is not identified in the Whois database as the disputed domain name"; Respondent "is not related in any way with the Complainant" and "[t]he Complainant does not carry out any activity for, nor has any business with the Respondent"; "[n]either 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"; and "the disputed domain name resolves to a page displaying the Complainant's logo," which "page may be used for the purpose of collecting personal information from the Complainant's customers" and, therefore, "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."

Paragraph 4(a)(iii): Complainant states that the disputed domain name was registered and is being used in bad faith because, inter alia, "[t]he Complainant's trademark ARCELOR is widely known," as previous panels have found; "the disputed domain name resolves to a website displaying the Complainant's trademark"; "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 may collect personal information through this website, including passwords;" and "the disputed domain name has been set up with MX records… which suggests that it may be actively used for email purposes."

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

Identical or Confusingly Similar: Paragraph 4(a)(i)

The trademark citation and documentation provided by Complainant are sufficient to establish that Complainant has rights in the ARCELOR Trademark.

As to whether the disputed domain name is identical or confusingly similar to these trademarks, the relevant comparison to be made is with the second-level portion of the disputed domain name only (i.e., "arcelorinvestors") because "[t]he applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is

disregarded under the first element confusing similarity test." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1.

Here, the disputed domain name contains the ARCELOR Trademark in its entirety. As set forth in section 1.7 of WIPO Overview 3.0: "[I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

As to the addition of the word "investors," section 1.8 of WIPO Overview 3.0 says: "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." The Panel finds that, despite inclusion of the word "investors," the ARCELOR Trademark is recognizable within the disputed domain name.

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

Rights or Legitimate Interests: Paragraph 4(a)(ii)

Complainant states that Respondent has no rights or legitimate interests in respect of the disputed domain name because, inter alia, "the Respondent is not identified in the Whois database as the disputed domain name"; Respondent "is not related in any way with the Complainant" and "[t]he Complainant does not carry out any activity for, nor has any business with the Respondent"; "[n]either 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"; and "the disputed domain name resolves to a page displaying the Complainant's logo," which "page may be used for the purpose of collecting personal information from the Complainant's customers" and, therefore, "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."

WIPO Overview 3.0, section 2.1, states: "While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Panel finds that Complainant has established its prima facie case and, without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

Registered and Used in Bad Faith: Paragraph 4(a)(iii)

Whether a domain name is registered and used in bad faith for purposes of the UDRP may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the UDRP: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.

As set forth in section 3.1.4 of WIPO Overview 3.0: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar… to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." That is applicable here. Further, Respondent's inclusion of Complainant's logo on its website using the disputed domain name only enhances confusion, notwithstanding the fact that Respondent's website offers services that are apparently unrelated to Complainant or its trademark. See, e.g., Clearwire Communications LLC v. Yvan Edwards, WIPO Case No. D2010-1440 ("Respondent is using the mark at issue to resolve to a web site at which… Complainant's logo and marks are prominently displayed such that a user would believe that he was on a web site sanctioned by Complainant"); Houghton Mifflin Co. v. The Weathermen, Inc., WIPO Case No. D2001-0211 ("a visitor to Respondent's site would be likely to believe that it was Complainant's official site" where Respondent's site contained the complainant's mark and character); and Construction Skills Certification Scheme Limited v. Mara Figueira, WIPO Case No. D2010-0947 (finding bad faith where Complainant submitted that "[t]he Respondent's web site… shows the Complainant's logo on each page").

Accordingly, the Panel finds that Complainant has proven the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelorinvestors.com**: Transferred

PANELLISTS

Name	**Douglas Isenberg**

DATE OF PANEL DECISION 2025-06-10

Publish the Decision