Decision for dispute CAC-UDRP-107552

Case number	CAC-UDRP-107552
Time of filing	2025-05-12 11:49:35
Domain names	arcelommittal.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Drew Svilar

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 is the owner of the following trademark registration:

International Registration no. 947686 ARCELORMITTAL registered on August 3, 2007 and designating many countries in the world.

Complainant has submitted evidence of the above-mentioned registration by means of an extract of the Madrid Database of WIPO.

FACTUAL BACKGROUND

Complainant is the largest steel producing company in the world and is market leader in steel for use in automotive, construction, household appliances and packaging with 57.9 million tons crude steel made in 2024. It holds sizeable captive supplies of raw materials and operates extensive distribution networks. Complainant substantiates this allegation by submitting an extract from their corporate website with figures on manufacturing countries (15), customers (in 129 countries), employees (125,416), million tonnes iron mined in 2024 (42.4) million tonnes crude steel made in 2024 (57,9), steel shipments total in 2024 (54.3), research

centres (14), full time researches (1650), R&D programs (100+), trademarked products (200+), active patent families (930) and new products and solutions launched in 2024 (110).

Complainant also owns an important domain names portfolio, such as the domain name <arcelormittal.com> registered since January 27, 2006

The disputed domain name <arcelommittal.com> was registered on May 6, 2025 and resolves to an error page. Besides, MX servers are configured.

PARTIES CONTENTIONS

Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it. Complainant´s contentions are summarised in the sections of this decision below.

No administratively compliant Response has been filed.

RIGHTS

According to the Policy paragraph 4(a)(i) it needs first to be established that:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

Complainant states that the disputed domain name <arcelommittal.com> is confusingly similar to its trademark ARCELORMITTAL and its domain name associated. The obvious misspelling of Complainant's trademark ARCELORMITTAL (i.e. the substitution of the letter "R" by the letter "M") is characteristic of a typosquatting practice intended to create confusing similarity between Complainant's trademark and the disputed domain name.

Complainant cites a relevant UDRP case in this respect:

WIPO Case No. D2020-3457, ArcelorMittal (Société Anonyme) v. Name Redacted <arcelormltal.com>:

"As the disputed domain name differs from the Complainant's trademark by just two letters, it must be considered a prototypical example of typosquatting – which intentionally takes advantage of Internet users that inadvertently type an incorrect address (often a misspelling of the complainant's trademark) when seeking to access the trademark owner's website."

Moreover, Complainant cites the WIPO Overview: 3.0 at section 1.9

"[a] domain name which consists of a common, obvious, or misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element."

The Panel agrees with Complainant that an obvious misspelling is at stake in the disputed domain name. Therefore, disputed domain name is almost identical, in any event confusingly similar to the registered trademark of Complainant.

Further, the trademark registration for ARCELORMITTAL predates the registration of the disputed domain name and thus the trademark rights prevail.

In conclusion, the Panel agrees with this assertion of Complainant.

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

According to the Policy paragraph 4(a)(ii) it needs further to be established that:

(ii) Respondent has no rights or legitimate interests in respect of the domain name.

Paragraph 4 (c) of the Policy provides circumstances that could demonstrate that Respondent has no rights to and legitimate interests in the disputed domain name. These circumstances are not exclusive. Circumstance that are providing rights or legitimate interests to the domain name are:

(i) before any notice to the Respondent of the dispute, the use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if though it has acquired no trademark or service mark rights; or

(iii) respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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

Complainant asserts that Respondent is not identified in the Whois database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name.

Complainant contends further that Respondent has no rights or legitimate interests in respect of the domain name <arcelommittal.com> and he is not related in any way with Complainant.

Complainant does not carry out any activity for, nor has any business with Respondent.

Complainant contends that Respondent has no rights or legitimate interests in respect of the domain name <arcelommittal.com> and he is not related in any way with Complainant. Complainant does not carry out any activity for, nor has any business with the Respondent.

Moreover, Complainant also claims that the disputed domain name is a typosquatted version of the trademark ARCELORMITTAL. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name.

Finally, the disputed domain name resolves to an error page. Complainant contends that Respondent did not use the disputed domain name, and it confirms that Respondent has no demonstrable plan to use the disputed domain name.

The Complainant contends that Respondent has no right or legitimate interest in respect of the disputed domain name <arcelommittal.com>.

The Panel concludes that the assertions of Complainant are likely to be true. Moreover, as Respondent did not defend itself by asserting the contrary, the Panel accepts the assertions of Complainant as true.

Complainant has, to the satisfaction of the Panel, shown 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

According to the Policy paragraph 4(a)(iii) it finally needs to be established that:

(iii) the domain name has been registered and is being used in bad faith.

Paragraph 4 (b) of the Policy provides circumstances on that demonstrate that Respondent has registered and used the domain name in bad faith. These circumstances are not exclusive. Those circumstance are for example:

(i) circumstances indicating that Respondent has registered or 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) respondent 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 Respondent has engaged in a pattern of such conduct; or

(iii) respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation,

or endorsement of your web site or location or of a product or service on your web site or location.

Complainant contends that the disputed domain name <arcelommittal.com> is confusingly similar to its distinctive trademark ARCELORMITTAL.

Complainant's trademark ARCELORMITTAL is widely known. Past panels have confirmed the notoriety of the trademark ARCELORMITTAL in the following cases:

- CAC Case No. 101908, ARCELORMITTAL v. China Capital ("The Complainant has established that it has rights in the trademark "ArcelorMittal", at least since 2007. The Complainant's trademark was registered prior to the registration of the disputed domain name (February 7, 2018) and is widely well-known.")
- CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd ("The Panel is convinced that the Trademark is highly distinctive and well-established.")

Given the distinctiveness of Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of Complainant's trademark.

Complainant, in this respect, cites WIPO Case No. DCO2018-0005, ArcelorMittal SA v. Tina Campbell:

"The Panel finds that the trademark ARCELORMITTAL is so well-known internationally for metals and steel production that it is inconceivable that the Respondent might have registered a domain name similar to or incorporating the mark without knowing of it.".

Furthermore, the disputed domain name resolves to an error page as is shown by a print from that web page that is attached to the Complaint. Complainant contends that Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of Complainant's rights under trademark law.

Also, Complainant asserts that prior WIPO UDRP Panels have held, that the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

Finally, the disputed domain name has been set up with MX records as is shown in the enclosure to the Complaint which suggests that it may be actively used for email purposes. Complainant cites in this respect a similar case CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono:

"There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.".

On those facts, Complainant contends that Respondent has registered the disputed domain name <arcelommittal.com> and is using it in bad faith.

The Panel finds that the reputation of Complainant is sufficiently demonstrated with the figures on activities operated in the world as well as the previous decisions of fellow Panellists. It concludes that Respondent should have chosen to register the disputed domain name as it is almost identical to Complainant's trademark. Having just one letter of difference the disputed domain name could easily be a misspelling. Respondent did not argue the contrary and therefore the Panel decides that the disputed domain name was registered in bad faith.

With respect to determining if the domain name is also used in bad faith, the Panel has to weigh whether the passive holding of the disputed domain name can be identified as use in bad faith. In previous UDRP decisions circumstances are described that would establish that also the use of the disputed domain name, namely the passing holding of it, is use in bad faith. Those circumstances are

(i) Complainant's trademark has a strong reputation and is widely known;

(ii) Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the domain name,

(iii) Respondent has taken active steps to conceal its true identity, by operating under a name that is not a registered business name,

(iv) Respondent has actively provided, and failed to correct, false contact details, in breach of its registration agreement, and

(v) taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the domain name by Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection

legislation, or an infringement of the Complainant's rights under trademark law.

The Panel concludes that it is impossible to believe that Respondent had any good faith intentions in its passive holding of the disputed domain name. All factors for passive holding are at stake, including the strong reputation of Complainant and the concealing of its true identity at Respondent's end. Moreover, the Panel could not see any good faith intention in setting up email accounts based on a domain name that is almost identical to Complainant's trademark.

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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelommittal.com**: Transferred

PANELLISTS

Name	**Marieke Westgeest**

DATE OF PANEL DECISION 2025-06-11

Publish the Decision