Decision for dispute CAC-UDRP-107580

Case number	CAC-UDRP-107580
Time of filing	2025-05-15 09:39:01
Domain names	arceloratendimento.online

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Andressa Guzzo Guimaraes

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:

- international trademark n° 778212 ARCELOR registered since February 25, 2002;
- international trademark n° 947686 ARCELORMITTAL registered since August 3, 2007;
- both registrations are duly renewed since as per the copy of the WIPO database abstract provided.

The Complainant further owns domain names <arcelormittal.com> registered since January 27, 2006 and <arcelor.com> registered since August 29, 2001.

The disputed domain name <arceloratendimento.online> was registered on May 12, 2025 and was active up to the filing of the Complaint.

FACTUAL BACKGROUND

The Complainant is the world’s leading steel company with 57,9 million of tons of crude steel made in 2024.

The Complainant also owns an important domain names portfolio, including the trademark ARCELOR or ARCELORMITTAL, such as <arcelor.com> registered since August 29, 2001 and <arcelormittal.com> registered since January 27, 2006

The disputed domain name was registered by the Respondent on May 12, 2025, and resolved to a website offering financial services. A couple of hours after the filing of the Complaint, the website content has been suppressed and the disputed domain name lands to an "error page".

PARTIES CONTENTIONS

Complainant

The Complainant claims that the disputed domain name is confusingly similar to its trademark ARCELOR. The Complainant alleges that the addition of the generic term "ATENDIMENTO" (meaning "services" in the Portuguese language) to the Complainant's trademark ARCELOR is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant’s trademark.

The Complainant further alleges that the Respondent has no rights or legitimate interests in the disputed domain name.

Specifically, Complainant alleges that (i) Respondent is not identified in the Whois database by the disputed domain name but as "Andressa Guzzo Guimaraes" (after waiving of the Whois data) and is in no way related to Complainant, (ii) Complainant does not perform any activity for, nor has any business with, Respondent, (iii) that the disputed domain name is reproducing identically the Complainant's trademark combined with a generic and descriptive term, and (iv) that the disputed domain name resolves to a website offering unrelated financial services by using ARCELORMITTAL [misprint for ARCELOR as deduced by the Panel, ed.].

The Complainant alleges that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant asserts that the ARCELOR and ARCELORMITTAL trademarks are widely known. The Complainant also notes that the reputation of the ARCELORMITTAL trademark has been confirmed, inter alia, in previous CAC cases No. 101908 and No. 101667.

The Complainant alleges that, given the distinctiveness of the Complainant's mark and its reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's mark.

Furthermore, the Complainant alleges that (i) the combination of a descriptive term and the trademark ARCELOR is intentionally designed to be confusingly similar to the Complainant's trademark, (ii) the Respondent has demonstrated an activity with respect to unrelated financial services. The inclusion of a known trademark in a domain name, coupled with an active website referring to some extent to the Complainant, including photographs of a building bearing the Complainant's Trademark, may be evidence of bad faith registration and use.

Respondent

No administratively compliant response has been submitted by the Respondent.

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 Centre notified the Respondent about the administrative proceeding via available means of communication: email notification and written notice.

It ought to be indicated that the Centre sent the Complaint to the Respondent, but neither the written notice of the Complaint nor the advice of delivery thereof was returned to the Center. No other address for correspondence was found on the disputed domain name.

The notice of the Commencement of the administrative proceeding was sent also by e-mail. Yet, the e-mail notice sent to <postmaster@arceloratendimento.online> was returned back undelivered as the e-mail address had permanent fatal errors.

The e-mail notice was also sent to <andressaguzzoguimaraes@gmail.com>, but the Centre never received any proof of delivery or notification of non-delivery. No further e-mail addresses could be found on the disputed site.

The Respondent never accessed the online platform.

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

In accordance with paragraph 4(a) of the Policy, in order to obtain the transfer of the disputed domain name, the Complainant has to demonstrate that:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; 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 first requirement that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant’s trademark or service mark rights.

There are two elements of this test: the Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark or service mark.

The Complainant has proven ownership of the registered trademarks "ARCELOR" and “ARCELORMITTAL", identified in section “Identification of rights” above.

On the question of identity or confusing similarity, what is required is simply a comparison and assessment of the disputed domain name itself to the Complainant’s trademark.

The addition of the generic and descriptive term "ATENDIMENTO" (meaning "services" in the Portuguese language) to the Complainant's trademark ARCELOR is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant’s trademark. Indeed, the starting and striking element is the trademark ARCELOR, entirely and identically, reproduced and the word "services" only (mis)-lead the consumer to believe that there are some specific services (financial) offered by the Complainant.

The addition of the generic top level domain “.ONLINE” does not change the overall impression of the designation as being connected to the Complainant’s trademark.

The Panel therefore considers the disputed domain name to be confusingly similar to the Complainant’s trademark ARCELORMITTAL, which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

Rights or Legitimate Interests

The Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name resolves to a website presenting an activity with respect to unrelated financial services. Yet, no real information is found on the website from the documents provided with by the Complainant. Despite the fact that the copy of the website is not translated in English language by the Complainant, the Panel considers that personal "examination" is acceptable in his/her role. It can be inferred from the content that there is no authorised link with the Complainant. It cannot also be construed that the presentation of financial services, moreover not clearly defined, on the website would constitute a bona fide offering of goods and services or a legitimate noncommercial fair use.

It has not been proven by the Respondent that he has rights or legitimate interests in the disputed domain name, or that the

Respondent is related to the Complainant. Neither license nor authorisation has been proven to be granted to the Respondent to make any use of the Complainant’s trademark or apply for registration of the disputed domain name.

The Panel therefore considers that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, including:

(i) circumstances indicating that [the Respondent] [has] registered or [has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] 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 Respondent's] documented out-of-pocket costs directly related to the [disputed] domain name; or

(ii) [the Respondent] [has] registered the [disputed] 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 Respondent] [has] engaged in a pattern of such conduct; or

(iii) [the Respondent] [has] registered the [disputed] domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the [disputed] domain name, [the Respondent] [has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] 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 [the Respondent's] web site or location or of a product or service on [the Respondent's] web site or location.

Given the distinctiveness of the Complainant's trademarks and reputation (as mentioned in several UDRP proceedings in the past - CAC Case No. 101908, ARCELORMITTAL v. China Capital; CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd) it is clear that the Respondent had the Complainant and its trademarks in mind when registering the disputed domain name containing the entire Complainant’s trademark ARCELOR. The Panel considers such use of the Complainant’s trademark as the evidence of bad faith registration and use. Moreover, the mere addition of a generic and descriptive term to the trademark ARCELOR was intentionally designed to be confusingly similar to the Complainant’s trademark. It could also be added that suppressing the content of the website upon receipt of the Complaint shows some kind of bad faith act or that would have needed an explanation from the Respondent.

The Respondent, for not responding to the complaint, has failed to demonstrate 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 disputed domain name by the Respondent that would not be illegitimate, by passing off, infringement of consumer protection legislation, or infringement of the Complainant’s rights under trademark law.

The Panel therefore considers that 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arceloratendimento.online**: Transferred

PANELLISTS

Name	**David-Irving Tayer**

DATE OF PANEL DECISION 2025-06-20

Publish the Decision