Decision for dispute CAC-UDRP-107586

Case number	CAC-UDRP-107586
Time of filing	2025-05-16 10:09:58
Domain names	arcelormlttal-atendimento.online

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	gestaoacelor ac

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 various trademark registrations, including the following:

- International trademark registration No. 778212 for ARCELOR, registered on February 25, 2002; and
- International trademark registration No. 947686 for ARCELORMITTAL, registered on August 3, 2007

The Complainant owns and operates the following domain names:

- <arcelor.com>, registered on August 29, 2001; and
- <arcelormittal.com>, registered on January 27, 2006.

The disputed domain name was registered on May 14, 2025, and at the time of filing the Complaint, resolved to a parked webpage.

FACTUAL BACKGROUND

The Complainant is one of the largest steel producing companies in the world and is a market leader in steel for use in automotive,

construction, household appliances and packaging with 57.9 million tons of crude steel made in 2024. It holds sizeable captive supplies of raw materials and operates extensive distribution networks

PARTIES CONTENTIONS

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

The Complainant has provided evidence that it owns registered trademark rights in the ARCELORMITTAL mark.

In this case, the disputed domain name consists of the Complainant's ARCELORMITTAL trademark in its entirety with the substitution of the letter "i" in "mittal" with the letter "L". Further, there is an addition of the term "-atendimento", which translates to "service" in Portuguese. The substitution of the letter "i" with the letter "L", and/or addition of the suffix "-atendimento" is insufficient to distinguishing the disputed domain name from the Complainant's trademark, especially since the substituted letter "L" is in lowercase, which is visually extremely similar to the letter "i", and may result in confusion of Internet users. Thus, the disputed domain name, which in this case incorporates the Complainant's mark in its entirety is confusingly similar to the Complainant's mark.

As for the generic Top-Level Domain ("gTLD") ".online", it is well established that the gTLD is not relevant to the issue of identity or confusing similarity between the Complainant's trademark and the domain name in dispute (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in

respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has been the registered owner of the ARCELORMITTAL mark long before the date that the disputed domain name was registered and that it has not authorised the Respondent to use the Complainant's trademark. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent did not submit a Response and did not provide any explanation for its choice of the disputed domain name nor evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant's trademark was registered years before the registration of the disputed domain name. The disputed domain name incorporates the entirety of the Complainant's ARCELORMITTAL mark with the substitution of the letter "i" in "mittal" with the letter "L". The disputed domain name also resolves to an inactive webpage and given that the Respondent fails to provide a response would require an analysis of passive use. It has long been established that the lack of use of a disputed domain name will not prevent the finding of bad faith use and registration. The common test panellists use in cases of passive holding is that of the totality of circumstances. Some factors have received more consideration than others in applying the passive holding doctrine, including: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement); and (iv) the implausibility of any good faith use to which the domain name may be put.

Given the particular circumstances of this case, the distinctive nature of the Complainant's trademark, the degree of the Complainant's reputation, and the implausibility of any good faith use to which the disputed domain name may be put, the Panel is persuaded by the evidence that the Respondent registered and was using the disputed domain name in bad faith with the aim of specifically targeting the Complainant.

The Panel notes that the Respondent failed to submit a response and provided no explanation nor evidence to rebut the Complainant's case. This is another indication of bad faith.

Accordingly, having regard to the circumstances of this case, the Panel finds that the Complainant has met its burden 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. **arcelormlttal-atendimento.online**: Transferred

PANELLISTS

Name	**Jonathan Agmon**

DATE OF PANEL DECISION 2025-06-21

Publish the Decision