Decision for dispute CAC-UDRP-107582

Case number	CAC-UDRP-107582
Time of filing	2025-05-15 10:24:34
Domain names	pedidosarcelormittal.com

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	comercial pedidosarcelomittal

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 the international trademark No. 947686 “ArcelorMittal" (word) registered from August 3, 2007 at the date of filing of the Complaint internationally registered inter alia in the European Union and the United States.

The Panel has confirmed the validity and active status of the Complainant’s ArcellorMittal trademark through publicly accessible online trademark databases.

FACTUAL BACKGROUND

The Complainant is one of the world’s leading steel producers, having manufactured over 57 million tons of crude steel in 2024. The Complainant is the owner, inter alia, of the domain name <arcelormittal.com>, which has been registered since January 27, 2006. The disputed domain name was registered by the Respondent on May 13, 2025, and currently resolves to a parking page.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
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).

The Complainant has provided sufficient evidence to establish its rights in the word mark "ArcelorMittal," which enjoys legal protection in numerous jurisdictions.

The Panel finds that the Complainant's ARCELORMITTAL trademark is clearly recognizable within the disputed domain name. The inclusion of the term "pedidos"—which means "orders" in both Spanish and Portuguese (the latter being the official language of Brazil, where the Respondent is located)—is merely descriptive and generic. The Panel concurs with the Complainant that the addition of this non-distinctive term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

The inclusion of the generic Top-Level Domain (gTLD) ".com" is a standard registration requirement and does not impact the assessment of whether the disputed domain name is identical or confusingly similar to the Complainant's trademarks (see Rollerblade, Inc. v. Chris McCrady, WIPO Case No. D2000-0429).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's ArcelorMittal trademark.

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).

A complainant is required to establish a prima facie case that the respondent lacks rights or legitimate interests. Once such a case is made, the burden of proof shifts to the respondent to demonstrate their rights or legitimate interests in the disputed domain name. Failure to do so results in the complainant satisfying paragraph 4(a)(ii) of the Policy (as per Article 2.1 of WIPO Jurisprudential Overview 3.0 and WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

Based on the contentions of the Complainant, the panel finds that the Complainant has successfully established a prima facie case that the Respondent lacks rights or legitimate interests. As the Respondent has failed to provide relevant evidence demonstrating any such rights or legitimate interests, the Complainant is deemed to have satisfied the second element.

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).

Registration in bad faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must establish that the Respondent knew or should have known of the Complainant's trademark rights at the time of registering the disputed domain name (see WIPO Overview 3.0, section 3.2.2).

The circumstances of this case clearly indicate the Respondent's knowledge of the Complainant and its rights. The Complainant holds a longstanding trademark, registered in major jurisdictions since 2007, and enjoys a strong international reputation, as recognized in previous UDRP decisions, including CAC Case No. 101908, ARCELORMITTAL v. China Capital.

It is highly unlikely that the Respondent selected the Complainant's distinctive mark by mere coincidence. Rather, the Respondent's incorporation of the Complainant's trademark in its entirety within the disputed domain name evidences the Respondent's awareness of the Complainant's business and trademark rights.

Accordingly, the Panel finds that the Respondent registered the disputed domain name in bad faith.

Use in bad faith

The disputed domain name incorporates the Complainant's distinctive trademark in its entirety, thereby creating an impression of affiliation with the Complainant and a likelihood of confusion with its trademark.

The fact that the disputed domain name does not currently resolve to an active website does not preclude a finding of bad faith use.

As established in Article 3.3 of the WIPO Jurisprudential Overview 3.0, a finding of bad faith may be warranted where, as here: (i) the Complainant's mark is distinctive; (ii) the Respondent has failed to respond to the Complaint; and (iii) there is no plausible bona fide use to which the disputed domain name could be put.

In this case, the Panel finds that the Complainant's "ArcelorMittal" trademark—which is also the distinctive and dominant element of the Complainant's company name—possesses a high degree of inherent distinctiveness. The Respondent has not provided any response, nor has it submitted evidence of any good faith actual or intended use.

Furthermore, the Panel notes that Mail Exchange ("MX") records have been activated for the disputed domain name, enabling the sending and receiving of email using the disputed domain. MX records are not necessary unless the registrant intends to use the domain for email services. Activating MX records thus goes beyond mere registration and may itself constitute evidence of bad faith use (see, for example, CKM Holdings Inc. v. Grant Chonko, Genesis Biosciences, WIPO Case No. D2022-0479).

Taking all of these circumstances into account, the Panel concludes that the Respondent's use of the disputed domain name constitutes bad faith.

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

The Panel found that the disputed domain name is confusingly similar to the Complainant's well-known ARCELORMITTAL trademark, as it incorporates the mark in its entirety. Based on the contentions presented by the Complainant, the Panel has found that the Complainant has satisfactorily made a prima facie case that the Respondent lacks rights or legitimate interests. As the Respondent failed to demonstrate any rights or legitimate interests in the disputed domain name, the Complainant is deemed to have satisfied the second element.

Given the distinctiveness and reputation of the Complainant's trademark, as well as the circumstances of registration and use—including the activation of email (MX) records—the Panel concluded that the disputed domain name was registered and is being used in bad faith. Accordingly, the Panel ordered that the disputed domain name be transferred to the Complainant.

Therefore, for the aforementioned reasons, the Panel orders that the disputed domain name <pedidosarcelormittal.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **pedidosarcelormittal.com**: Transferred

PANELLISTS

Name	**Karel Šindelka**

DATE OF PANEL DECISION 2025-06-23

Publish the Decision