Decision for dispute CAC-UDRP-107598

Case number	CAC-UDRP-107598
Time of filing	2025-05-21 09:44:37
Domain names	arcelormlttal-atendimentos.online

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Luiz Silva

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 has demonstrated ownership of rights in the trademark ARCELORMITTAL for the purposes of standing to file a UDRP complaint.

In particular, the Complainant is the owner of trademark registrations for ARCELORMITTAL including International trademark registration No. 947686 for ARCELORMITTAL (word mark), registered on August 3, 2007, duly renewed and covering goods and services in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42.

The Complainant also refers to ownership over the domain name <arcelormittal.com> that incorporates its ARCELORMITTAL trademark, and which is registered since January 27, 2006.

FACTUAL BACKGROUND

The Complainant is the steel producing company and, according to the Complainant, it is the market leader in steel for use in automotive, construction, household appliances and packaging with 57.9 million tons crude steel made in 2024.

The disputed domain name was registered on May 12, 2025 and it previously resolved to a website in Portuguese offering steel materials and displaying pictures that contain the Complainant's ARCELORMITTAL trademark. At the time of filing of the complaint,

as well as at the time of this decision, the disputed domain name resolves to an inactive 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. In particular, the Complainant argues that the disputed domain name is confusingly similar to its ARCELORMITTAL and ARCELOR trademarks as it represents the obvious misspelling of ARCELORMITTAL trademark (where portion "MITTAL" is replaced with portion "MLTTAL") in combination with ".online" TLD which should not be taken into account when assessing confusing similarity.

Regarding the second UDRP element, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name and it is not related in any way with the Complainant. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name by the Complainant. Finally, the Complainant underlines that the previous use of the disputed domain name for a website offering competing steel materials in relation with ARCELORMITTAL is not a bona fide offering of goods or services, nor a non-commercial or fair use.

With respect to the third UDRP element, the Complainant holds that its ARCELORMITTAL and ARCELOR trademarks are well-known, that the Complainant is the largest steel producer in Brazil (where the Respondent appears to be located) and that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. Further, the disputed domain name used to resolve to a website offering competing steel materials in relation with ARCELORMITTAL. Therefore, the Complainant contends that the Respondent has registered and used the disputed domain name with the intent to divert Internet users searching for the Complainant's website to the Respondent's competing website, and to create a likelihood of confusion with the Complainant's mark for the Respondent's commercial gain by offering competing services.

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

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- that the respondent has no rights or legitimate interests in respect of the disputed domain name; and

- that the disputed domain name has been registered and is being used in bad faith.

1. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name, as stipulated in section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0").

The Complainant has shown rights in respect of the ARCELORMITTAL trademark for the purposes of the Policy (WIPO Overview 3.0, section 1.2.1). Although the Complainant has based its complaint on both ARCELORMITTAL and ARCELOR trademarks, the Panel holds that for the purposes of analysis of the first UDRP element, it is sufficient to take into account only ARCELORMITTAL trademark. Having in mind that ARCELOR trademark is already contained within ARCELORMITTAL trademark, the Panel deems that analysis of both trademarks would be redundant and, as such, would not make any impact on the Panel's conclusions regarding the first UDRP element. The Panel understands that ARCELORMITTAL trademark is not contained in its integral form within the disputed domain name, while the trademark ARCELOR is, but, nevertheless, holds that even under such circumstances it is sufficient to conduct analysis only in respect to ARCELORMITTAL trademark. The Panel will also use the same approach in assessment of the second and the third UDRP element.

The second-level domain ("SLD") of the disputed domain name consists of portions "arcelormlttal" and "atendimentos" (meaning "services" in Portuguese) separated by the dash. The portion "arcelormlttal" is very close to the ARCELORMITTAL trademark and the only difference is that letter "i" is replaced with letter "l". This change of a single letter in the disputed domain name is insufficient to avoid a finding of confusing similarity, especially having in mind that letters "i" and "l" are visually very similar. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant trademark for purposes of the first element (WIPO Overview 3.0, section 1.9).

Although the addition of other terms, here "atendimentos", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark for the purposes of the Policy (WIPO Overview 3.0, section 1.8).

Previous UDRP panels have consistently held that the applicable Top Level Domain ("TLD") in a domain name (eg, ".com", ".club", ".nyc" or ".online" in this case) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (WIPO Overview 3.0, section 1.11.1).

In accordance with the above, the Panel finds that the first element of the Policy has been established and that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights.

2. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In particular, the Panel notes that there appears to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's ARCELORMITTAL trademark. There appears to be no element from which the Panel could infer the Respondent's rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

Furthermore, based on the undisputed evidence provided by the Complainant, the disputed domain name was used for a website in Portuguese offering steel materials and displaying pictures that contain the Complainant's ARCELORMITTAL trademark. Such behavior of the Respondent represents a type of fraud where the Respondent obviously tries to ride on the reputation of the Complainant and its ARCELORMITTAL trademark. and to create confusion among the Internet users. Previous panels have consistently held that use of a disputed domain name for such purposes cannot be considered as a bona fide offering of goods or services nor as a legitimate noncommercial or fair use of the disputed domain name. In connection with the above, it should be noted that panels have held that the use of a domain name for illegitimate activity (such as passing-off as in this case) can never confer rights or legitimate interests on a respondent (WIPO Overview 3.0, section 2.13.1).

The Panel also finds that the structure of the disputed domain name, which contains the typo version of the Complainant's

ARCELORMITTAL trademark in combination with the term "atendimentos" (meaning "services" in Portuguese), carries a high risk of implied affiliation (see WIPO Overview 3.0, section 2.5.1).

Having in mind the above, the Panel finds the second element of the Policy has been established.

3. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

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, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith (see WIPO Overview 3.0, section 3.2.1).

Regarding the registration of the disputed domain name in bad faith, the Panel holds that the Respondent had the Complainant in mind when registering the disputed domain name. The Complainant's ARCELORMITTAL trademark has been registered and used long before the Respondent registered the disputed domain name, so it is unlikely that the Respondent was not aware of this trademark, especially having in mind its distinctiveness and reputation. The fact that the Respondent has chosen the domain name that differs from ARCELORMITTAL trademark only in replacement of single letter further indicates that the Respondent intentionally selected the domain name that is confusingly similar to the Complainant's trademark. Misspelling of trademark (the practice known as typosquatting) that enjoys certain reputation has been commonly recognized as evidence of bad faith by prior panels (see WIPO Overview 3.0, section 3.1.4). Furthermore, the content of the website to which the disputed domain name used to resolve leaves no room for a doubt on the Respondent's knowledge of the Complainant and its ARCELORMITTAL trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As indicated above, based on the undisputed evidence provided by the Complainant, the disputed domain name used to resolve to a website in Portuguese offering steel materials and displaying pictures that contain the Complainant's ARCELORMITTAL trademark. Such behavior manifestly indicates bad faith on the Respondent's side. In that sense, panels have held that the use of a domain name for illegitimate activity (such as passing-off) constitutes bad faith (WIPO Overview 3.0, section 3.4). Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. Furthermore, it appears that the Respondent has intentionally attempted to attract, for commercial gain, 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 or of a product or service on its website which is clear evidence of bad faith in accordance with Paragraph 4(b)(iv) of the Policy.

While the disputed domain name no longer resolves to an active website, such change of use and current passive holding does not prevent a finding of bad faith given the totality of the circumstances of the case at hand (WIPO Overview 3.0, section 3.3).

The Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently that the Complainant has established 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. **arcelormlttal-atendimentos.online**: Transferred

PANELLISTS

Name	**Stefan Bojovic**

DATE OF PANEL DECISION 2025-06-26

Publish the Decision