Decision for dispute CAC-UDRP-107943

Case number	CAC-UDRP-107943
Time of filing	2025-09-12 13:10:29
Domain names	arcelorbrasil.online

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Emerson Alves

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 <arcelorbrasil.online>.

IDENTIFICATION OF RIGHTS

The Complainant, ARCELORMITTAL, states and provides evidence to support that it is the owner of international trademark registration No. 778212 ARCELOR, registered on February 25, 2002, which predates the registration of the disputed domain name <arcelorbrasil.online>.

The Complainant further states that it owns an important domain name portfolio, including domain names that incorporate the distinctive wording “ARCELOR”, such as <arcelor.com>, which has been registered and used since August 29, 2001.

FACTUAL BACKGROUND

The Complainant is a company specialising in steel production and operates globally (www.arcelormittal.com).

The Complainant is the largest steel-producing company in the world, and is the market leader in steel used in automotive, construction, household appliances, and packaging. In 2024, it produced 57.9 million tons of crude steel. The Complainant also holds sizeable captive supplies of raw materials and operates extensive distribution networks across its markets.

The disputed domain name <arcelorbrasil.online> was registered on September 9, 2025. As of the date of the Complaint, it resolves

to an inactive page.

PARTIES CONTENTIONS

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

COMPLAINANT:

- The disputed domain name is confusingly similar to the protected mark

The Complainant contends that the disputed domain name <arcelorbrasil.online> is confusingly similar to its registered trademark ARCELOR, which is incorporated in its entirety and reproduced identically within the disputed domain name.

The Complainant argues that the addition of the geographic term “BRASIL” is insufficient to prevent a finding of confusing similarity. According to the Complainant, the presence of this additional term does not alter the overall impression of the disputed domain name as being connected to the Complainant and its trademark. Instead, it may even increase the likelihood of confusion by suggesting a regional branch or subsidiary of the Complainant.

The Complainant relies on the well-established principle under the UDRP that “a domain name that wholly incorporates a complainant’s registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP,” citing Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin, WIPO Case No. D2003-0888.

Furthermore, the Complainant states that the addition of the generic Top-Level Domain (gTLD) “.online” does not affect the assessment of confusing similarity. As reiterated in the WIPO Overview 3.0, section 1.11.1, “the applicable Top Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”

In light of the above, the Complainant submits that the disputed domain name <arcelorbrasil.online> is confusingly similar to its trademark ARCELOR.

- The Respondent lacks rights or legitimate interests in the disputed domain name

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <arcelorbrasil.online>.

Relying on Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455, the Complainant recalls that it must make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a case is established, the burden of production shifts to the Respondent to demonstrate any rights or legitimate interests in the disputed domain name.

The Complainant asserts that the Respondent is not identified in the Whois database by the disputed domain name. Previous UDRP panels have consistently found that a respondent is not commonly known by a disputed domain name when the Whois information does not correspond to that domain name (see Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group, Forum Case No. FA 1781783). Accordingly, the Complainant concludes that the Respondent is not commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The Complainant further asserts that the Respondent is not affiliated with the Complainant in any way, nor has the Respondent been licensed, authorized, or otherwise permitted to use the Complainant’s ARCELOR trademark or to register the disputed domain name incorporating it. The Complainant states that it has no business or commercial relationship with the Respondent.

Finally, the Complainant notes that the disputed domain name is inactive. The Respondent has not made any use of the disputed domain name, nor is there evidence of any demonstrable preparations to use it in connection with a bona fide offering of goods or services or a legitimate non-commercial purpose. In similar circumstances, panels have held that the mere passive holding of a domain name does not constitute a bona fide use (see Ashley Furniture Industries, Inc. v. Joannet Macket / JM Consultants, Forum Case No. FA 1773444).

For these reasons, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <arcelorbrasil.online>.

- The disputed domain name has been registered and is being used in bad faith

The Complainant contends that the disputed domain name <arcelorbrasil.online> was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

According to the Complainant, its trademark ARCELOR is distinctive and widely known internationally in the steel production industry.

The Complainant asserts that the inclusion of the geographic term “BRASIL” in the disputed domain name does not prevent a finding of bad faith, particularly in light of the notoriety of the trademark ARCELOR.

The Complainant further submits that the disputed domain name currently resolves to an inactive page and that the Respondent has not demonstrated any activity in connection with it. According to the Complainant, there is no conceivable legitimate use of the disputed domain name that would not result in misleading consumers, infringing the Complainant's trademark rights, or otherwise amounting to bad faith use.

In conclusion, the Complainant contends that the cumulative circumstances of the case demonstrate that the disputed domain name was registered and is being used in bad faith. Accordingly, the Complainant requests that the disputed domain name be transferred to it.

RESPONDENT:

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

The UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN) (the "Policy") provides that complainant must prove each of the following to obtain transfer or cancellation of the domain name:

1. that respondent's domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

2. that respondent has no rights or legitimate interests in respect of the domain name; and

3. the domain name has been registered and is being used in bad faith.

1) The disputed domain name is confusingly similar to a trademark in which the Complainant has rights

The Complainant has submitted evidence that it is the owner of the international trademark registration No. 778212 for the mark ARCELOR, registered on February 25, 2002, which predates the registration of the disputed domain name <arcelorbrasil.online>.

The Panel notes that the disputed domain name fully incorporates the Complainant's distinctive trademark ARCELOR as its dominant element. The addition of the geographical term "BRASIL" does not eliminate the similarity, nor does it prevent a finding of confusing similarity. On the contrary, it may enhance the likelihood of confusion, especially where the Complainant operates globally or in that region. Numerous UDRP decisions have confirmed that the mere addition of a geographical term does not avoid a finding of confusing similarity.

Furthermore, the addition of the generic top-level domain ("gTLD") ".online" is viewed as a standard technical requirement of domain name registration and is thus disregarded in the assessment of confusing similarity under the first element. See, for instance, WIPO

Overview 3.0, section 1.11.1.

The Panel finds that the disputed domain name reproduces the Complainant's trademark ARCELOR in its entirety and that the addition of the descriptive geographical term "BRASIL" does not prevent a finding of confusing similarity.

Accordingly, the Panel finds that the disputed domain name <arcelorbrasil.online> is confusingly similar to the Complainant's trademark ARCELOR within the meaning of paragraph 4(a)(i) of the Policy.

2) The Respondent lacks rights or legitimate interests in the disputed domain name

Under the Policy, the Complainant is required to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the burden shifts to the Respondent to demonstrate rights or legitimate interests. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (see WIPO Overview 3.0, section 2.1).

In this case, the Complainant asserts that it has not authorized the Respondent to use its ARCELOR trademark, and that the Respondent has no connection or affiliation with the Complainant. The Respondent is not commonly known by the disputed domain name, and no license or permission has been granted by the Complainant to use its mark or register any domain name incorporating it.

Furthermore, the disputed domain name resolves to an inactive website. The Respondent has made no attempt to demonstrate a bona fide offering of goods or services or any legitimate noncommercial or fair use of the disputed domain name. This lack of active use, combined with the absence of any Response, supports the inference that the Respondent lacks rights or legitimate interests in the disputed domain name.

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

3) The disputed domain name has been registered and is being used in bad faith

The Panel finds that the disputed domain name <arcelorbrasil.online> is confusingly similar to the Complainant's distinctive trademark ARCELOR, which has been recognized in prior UDRP decisions as well-known and widely used in the steel industry.

Given the reputation and distinctiveness of the Complainant's mark, and the incorporation of the mark in its entirety together with the geographic term "BRASIL," the Panel considers it highly likely that the Respondent had knowledge of the Complainant's trademark at the time of registration. In the absence of any Response or evidence to the contrary, the Panel infers that the disputed domain name was registered with the Complainant's mark in mind.

Moreover, the disputed domain name resolves to an inactive page, with no evidence of use or intention to use it for a bona fide purpose. As established in prior cases (e.g., Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003), the passive holding of a domain name incorporating a well-known trademark may, in appropriate circumstances, constitute bad faith registration and use. This applies in particular where, as here, there is no plausible legitimate use of the domain name that would not mislead users or infringe upon the Complainant's rights.

The Panel further notes that there is no indication that the Respondent has made or plans to make any legitimate noncommercial or fair use of the disputed domain name. These facts, taken together with the Respondent's failure to engage with the proceedings, support a finding of bad faith under paragraph 4(a)(iii) of the Policy.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelorbrasil.online**: Transferred

PANELLISTS

Name	**Barbora Donathová**

DATE OF PANEL DECISION 2025-10-14

Publish the Decision