Decision for dispute CAC-UDRP-107947

Case number	CAC-UDRP-107947
Time of filing	2025-09-15 10:43:13
Domain names	arcelomitta.online

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Central de Pagamentos e Recebimentos LTDA

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 submitted evidence, which the Panel accepts, showing that it is the registered owner of the IR trademark “ARCELORMITTAL” (registration n° 947686) dated August 3, 2007.

Moreover, the Complainant is also the owner of the domain name bearing the sign “ARCELORMITTAL”, <arcelormittal.com>, registered since January 27, 2006.

FACTUAL BACKGROUND

The Complainant ARCELORMITTAL S.A. is specialized in producing steel worldwide and is the market leader company in steel for use in automotive, construction, household appliances and packaging with 57.9 million tons crude steel made in 2024.

The Complainant is the owner of the international trademark n° 947686 “ARCELORMITTAL” and domain name <arcelormittal.com>.

The disputed domain name <arcelomitta.online> was registered on July 2, 2025 and resolves to an inactive page at the time of the decision.

PARTIES CONTENTIONS

COMPLAINANT:

1. THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR

The Complainant states that the disputed domain name <arcelomitta.online> is confusingly similar to its trademark ARCELORMITTAL and its domain name associated. The misspelling of the Complainant's trademark ARCELORMITTAL by the deletion of the letters "R" and "L" is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. The Complainant stated that previous panels have found that the slight spelling variations does not prevent a domain name from being confusing similar to the Complainant's trademark and referred to a previous panel decision.

The Complainant also states that the top level ".online" does not change the overall impression and does not prevent likelihood of confusion.

Consequently, the Complainant asserts that the disputed domain name is confusingly similar to the Complainant's trademark.

2. NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name since the Respondent is not known as the disputed domain name and not identified in the WHOIS database.

The Complainant also states that the Respondent is neither related to the Complainant in any way nor has any business with the Complainant. There is not any license nor authorization granted to the Respondent to use the Complainant's trademark "ARCELORMITTAL", or to apply for registration of the disputed domain name by the Complainant.

Moreover, the Complainant also claims that the disputed domain name is a typosquatted version of the trademark ARCELORMITTAL. Typosquatting is claimed to be the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name. Supporting this claim, the Complainant referred to a previous panel decision.

Furthermore, the Complainant claimed that the disputed domain name points to the website where the Respondent allegedly offers steel products. Therefore, the Complainant contends that the domain name was registered in order to create a likelihood of confusion with the Complainant and its trademarks. It is argued that by profiting of the notoriety of the Complainant's trademark in the domain name, the Respondent uses the disputed domain name to offer services in direct competition with Complainant. Using a confusingly similar domain name that resolves to a competing webpage is not a bona fide offering of goods or services. The Complainant referred to previous panel decisions in that sense.

3. THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS USED IN BAD FAITH

The Complainant indicates that the disputed domain name is confusingly similar to the Complainant's distinctive trademark ARCELORMITTAL and the Complainant's trademark ARCELORMITTAL is widely known. To support this argument, the Complainant referred to past panel decisions finding that the Complainant's trademark is well-known. It is claimed that given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Moreover, the Complainant explained that the misspelling of the trademark ARCELORMITTAL was intentionally designed to be confusingly similar with the Complainant's trademark and it is in bad faith, by also referring to previous panel decisions.

Furthermore, the Complainant contends that the Respondent uses the domain name to divert Internet users searching for Complainant's website to Respondent's competing website, and to create a likelihood of confusion with Complainant's mark for Respondent's commercial gain by offering competing steel products and it is evidence of bad faith.

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

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

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In this context, the Panel also notes that the burden of proof is on the Complainant to make out its case and past UDRP panels have consistently said that a Complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

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

The Panel will therefore deal with each of these requirements in turn.

1. IDENTICAL OR CONFUSINGLY SIMILAR

The Policy simply requires the Complainant to demonstrate that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Panel is satisfied that the Complainant is the owner of registration of “ARCELORMITTAL” trademark.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s “ARCELORMITTAL” trademark and it is almost identical to the Complainant’s domain name as it is different in two letters which are barely recognizable and it can indeed be considered as typosquatting.

Moreover, the addition of the gTLD “.ONLINE” is not enough to abolish the similarity.

The Panel recognizes the Complainant's rights and concludes that the disputed domain name is confusingly similar with the Complainant's trademark. Therefore, the Panel concludes that the requirements of paragraph 4(a)(i) of the Policy is provided.

2. NO RIGHTS OR LEGITIMATE INTERESTS

Under paragraph 4(a)(ii) of the Policy, the complainant has the burden of establishing that the respondent has no rights or legitimate interests in respect of the domain name.

It is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to the respondent of the dispute, the use or making demonstrable preparations to use the domain name or a

name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent of the dispute (as an individual, business, or other organization) has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent of the dispute is making a legitimate non-commercial or fair use of the domain name, without an intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if the respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the disputed domain name, the complainant will have failed to discharge its burden of proof and the complaint will fail. The burden is on the complainant to demonstrate a prima facie case that the respondent does not have rights or legitimate interests in the disputed domain name. Once the complainant has made out a prima facie case, then the respondent may, inter alia, by showing one of the above circumstances, demonstrate rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent has nothing to do with the Complainant or not related in any way and given no authorization for any use of the trademark “ARCELORMITTAL”. Moreover, the disputed domain name has no relation with the Respondent and the Respondent is not commonly known as the disputed domain name.

In the absence of a response, the Panel accepts the Complainant’s allegations as true that the Respondent has no authorization to use the Complainant’s trademark in the disputed domain name.

Hence, as the Complainant has made out its prima facie case, and as the Respondent has not demonstrated any rights or legitimate interests as illustrated under paragraph 4(c) of the Policy, nor has the Panel found any other basis for finding any rights or legitimate interests of the Respondent in the disputed domain dame, the Panel concludes that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

3. BAD FAITH

The Panel concludes that the Complainant's “ARCELORMITTAL” trademark is of distinctive character and is well-known. Therefore, the Panel is of the opinion that due to the earlier rights of the Complainant in well-known “ARCELORMITTAL” trademark, the Respondent, was aware of the Complainant and its trademark at the time of registration of the disputed domain name (see e.g., Ebay Inc. v. Wangming, WIPO Case No. D2006-1107). Referring to Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net, WIPO Case No. D2000-0226, the Panel believes that the awareness of the Complainant’s trademark at the time of the registration of the disputed domain name is to be considered an inference of bad faith registration.

Moreover, even though the disputed domain name is currently inactive at the time of the decision, it is understood from the Complaint that at the time of filing the Complaint, the disputed domain name resolved to a web page that is offering steel products, which is the same as the Complainant’s operations. Since there is no defence or statement on the contrary submitted by the Respondent, it seems that the Respondent uses the domain name to divert Internet users searching for Complainant’s website to Respondent’s competing website, and to create a likelihood of confusion with Complainant’s mark for Respondent’s commercial gain by offering competing steel products with a domain name created by typosquatting.

Therefore, in light of the above-mentioned circumstances in the present case, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the Complainant has established the third element 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. **arcelomitta.online**: Transferred

PANELLISTS

Name	**Mrs Selma Ünlü**

DATE OF PANEL DECISION 2025-10-17

Publish the Decision