Decision for dispute CAC-UDRP-107935

Case number	CAC-UDRP-107935
Time of filing	2025-09-10 10:18:32
Domain names	arcelormittalbr.fun, arcelormittalbrasil.site

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Walterscheid Brasil Ind. de Equip. Agricolas 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 provided evidence of its ownership of the international trademark No. 947686 ARCELORMITTAL registered in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 on August 3, 2007 in numerous jurisdictions. The registration date of the trademark predates the registration date of the disputed domain name registered on September 5, 2025. The Complainant also owns an important domain names portfolio, such as the domain name <arcelormittal.com> registered on January 27, 2006.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is a company that specializes in steel production. It is the largest steel-producing company in the world and is the 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.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is Walterscheid Brasil Ind. de Equip. Agricolas Ltda. (Sarah Carte), based at the address of Rua Vereador Jose Stuart da

Silva 108, São Paulo, Brazil.

The disputed domain names were registered on September 5, 2025 by the Respondent, as confirmed by the Registrar. At the time of filing of the Complaint, the disputed domain name <arcelormittalbr.fun> resolved to a website reproducing the Complainant's logo and the disputed domain name <arcelormittalbrasil.site> resolved to an inactive page.

PARTIES CONTENTIONS

A. COMPLAINANT

The Complainant's contentions can be summarized as follows:

I. The disputed domain names are identical or confusingly similar to a trade mark in which the Complainant has rights

The Complainant states that the disputed domain names are confusingly similar to its trademark ARCELORMITTAL. The addition of letters "BR" or the term "BRASIL" is not sufficient to escape the finding that the disputed domain names are confusingly similar to the Complainant's trademark. It does not prevent the likelihood of confusion between the disputed domain names and the Complainant and its trademark.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain names

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain names on the grounds: i) the Respondent is not related in any way with the Complainant; ii) neither license nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademark ARCELORMITTAL or apply for registration of the disputed domain names; iii) the Respondent is not known as the disputed domain names.

III. The Respondent registered and is using the disputed domain names in bad faith

The Complainant contends that the Respondent registered and is using the disputed domain names in bad faith on the grounds: i) the disputed domain name <arcelormittalbr.fun> resolves to a website reproducing the Complainant's logo. The Respondent made direct references to ARCELORMITTAL in name and via pictures available on the website and the website reproduced the Complainant's logo; ii) ARCELORMITTAL trademark is distinctive and widely known; iii) the Respondent is attempting to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website and the unauthorized email address; iv) the disputed domain name <arcelormittalbrasil.site> is currently inactive. The incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

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

B. RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

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

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) The disputed domain name has been registered and is being used in bad faith.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit the Response containing any argument against what the Complainant claimed, and to show his intention to retain the disputed domain names as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except otherwise there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a)(i) of the Policy, the Complainant must prove that the disputed domain names are identical with or confusingly similar to a trademark or service mark in which it has rights.

A. The Complainant has rights in a trademark or service mark

The Complainant has provided evidence of its ownership of the international trademark No. 947686 ARCELORMITTAL registered in classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42 on August 3, 2007 in numerous jurisdictions. The trademark is still valid and its registration date predates the registration date of the disputed domain names, i.e. September 5, 2025. The Complainant therefore has rights in the ARCELORMITTAL trademark.

B. The disputed domain names should be identical or confusingly similar to the trademark or service mark

The disputed domain names contain the Complainant's trademark ARCELORMITTAL in its entirety, adding letters “br” and words “brasil”. Numerous UDRP Panel decisions have established that the addition of words or letters to a mark used in a domain name does not alter the fact that the domain name is confusingly similar to the mark. WIPO Jurisprudential Overview 3.0, paragraph 1.8 mentions: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

Paragraph 1.7 mentions: “In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”.

Furthermore, ”brasil” is a country name and “br” is the abbreviation of “brasil”. When they are disregarded, the dominant word of the disputed domain names ARCELORMITTAL is identical to the Complainant’s trademark ARCELORMITTAL.

As to the generic Top Level Domains “.fun” and “.site”, they are viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity. See WIPO Jurisprudential Overview 3.0, paragraph 1.11.1.

Therefore, the Panel finds that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a)(i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain names on the grounds: i) the Respondent is not related in any way with the Complainant; ii) neither license nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant’s trademark ARCELORMITTAL or apply for registration of the disputed domain names; iii) the Respondent is not known by the disputed domain names.

Once the 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 disputed domain names. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Jurisprudential Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent's rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

The Complainant must prove under paragraph 4(a)(iii) of the Policy that the disputed domain names have been registered in bad faith and are being used in bad faith. Paragraph 4(b) of the Policy lists four alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent. These examples are merely illustrative and are not meant to be exhaustive. Other circumstances may therefore lead to a finding of bad faith pursuant to paragraph 4(a)(iii) of the Policy.

A. The disputed domain names have been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain names, considering the following circumstances:

i) WIPO Jurisprudential Overview 3.0, paragraph 3.2.2 mentions that noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. The Panel believes that before registration of the disputed domain names, the Respondent had made searches for the word ARCELORMITTAL and known it is the trademark of the Complainant.

ii) The Complainant contends that its trademark is distinctive and widely known and past panels have confirmed the well-known status of the trademark ARCELORMITTA in the following cases:

CAC Case No. 101908, ARCELORMITTAL v. China Capital: "The Complainant has established that it has rights in the trademark "ArcelorMittal", at least since 2007. The Complainant's trademark was registered prior to the registration of the disputed domain name (February 7, 2018) and is widely well-known".

CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd: "The Panel is convinced that the Trademark is highly distinctive and well-established".

This Panel has read the above decisions and agreed with their confirmation on the well-known of the trademark ARCELORMITTAL.

iii) The disputed domain name <arcelormittalbr.fun> resolves to a website with steel business. The Respondent and the Complainant are in the same business of steel products.

iv) The Respondent made direct references to ARCELORMITTAL in name and via pictures on the website related to the disputed domain name. Furthermore, the website reproduced the Complainant's logo.

v) Under Paragraph 4(b)(iii), if the circumstance (iv) is found by the Panel to be present, it shall be the evidence of the registration of a domain name in bad faith. Regarding the circumstance (iv), it is mentioned in the next paragraph "The disputed domain names are being used in bad faith".

In view of the above five circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain names. As the domain names would cause confusion to internet users, it should have avoided the registration, which is considered as good faith, rather it registered the disputed domain names. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain names have been registered in bad faith.

B. The disputed domain names are being used in bad faith

The disputed domain name <arcelormittalbr.fun> resolves to a website with a steel business. The Respondent made direct references to ARCELORMITTAL in name and via pictures on the website and the website reproduced the Complainant's logo. Pictures on the website show steel production and workers wearing uniform bearing the trademark ARCELORMITTAL. The website does not mention that it is not for commercial gain. The Panel believes that the website is for commercial gain.

Considering the above factors, the Panel finds that the disputed domain name is being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b) (iv): by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.

Regarding the disputed domain name <arcelormittalbrasil.site>, it resolves to an inactive page. WIPO Jurisprudential Overview 3.0

paragraph 3.3 mentions that from the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (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.

Please see WIPO Case No. D2017-0246, <docmartens.xyz>, “Dr. Martens” International Trading GmbH and “Dr. Maertens” Marketing GmbH v. Godaddy.com, Inc. Please see WIPO Case No. D2000-0003, <telstra.org>, Telstra Corporation Limited v. Nuclear Marshmallows.

In this case, the Panel is convinced that the above four circumstances are the circumstances of this case, which strongly suggest that the Respondent’s non-use of the domain name is in bad faith.

Regarding the Complainant’s contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel’s findings on its bad faith.

In view of all the above, the Panel finds that the disputed domain names have been registered and are being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain names 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. **arcelormittalbr.fun**: Transferred
2. **arcelormittalbrasil.site**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2025-10-20

Publish the Decision