Decision for dispute CAC-UDRP-107953

Case number	CAC-UDRP-107953
Time of filing	2025-09-16 10:34:30
Domain names	portal-arcelormittal.online

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	joao donizete

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, inter alia, a registered owner of the following **trademark** containing the word element "ARCELORMITTAL”:

(i) ARCELORMITTAL (word), International (WIPO) Trademark, priority date 25 May 2007, registration date 3 August 2007, trademark no. 947686, registered for goods and services in classes 6, 7, 9, 12, 19, 21, 39, 40, 41, and 42,

besides other trademarks consisting of the " ARCELOR“ or „MITTAL " denominations.

(collectively referred to as "Complainant's trademarks").

The Complainant has also registered a number of domain names under generic Top-Level Domains ("gTLD") and country-code Top-Level Domains ("ccTLD") containing the term “ARCELORMITTAL”.

FACTUAL BACKGROUND

The **Complainant** (ARCELORMITTAL S.A). is a company specialized in steel production and it is the largest steel producing company in the world and market leader in steel for use in automotive, construction, household appliances and packaging with operations in more than 60 countries.

The **disputed domain name** <portal-arcelormittal.online> was registered on 10 September 2025 and is held by the Respondent.

The **disputed domain name website** (i.e. website available under internet address containing the disputed domain name) is currently not used and has no genuine content available to the public (i.e. the disputed domain name is not currently associated with any active website.

The Complainant seeks the transfer of the disputed domain name to the Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

A) CONFUSING SIMILARITY

The Complainant states that:

- The disputed domain name <portal-arcelormittal.online> is confusingly similar to the Complainant's trademark ARCELORMITTAL, as the mark is identically contained within the domain name.
- The addition of the word "PORTAL" does not eliminate the confusing similarity because it does not change the overall impression that the domain name is connected to the Complainant's trademark.
- The presence of the Complainant's trademark in its entirety in the domain name is sufficient to establish confusing similarity under UDRP precedent.
- The suffix ".ONLINE" is a standard Top-Level Domain (TLD) and is disregarded in assessing confusing similarity

Thus, according to the Complainant the confusing similarity between Complainant's trademarks and the disputed domain name is clearly established.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- The Respondent has not been commonly known by the disputed domain name;
- The Complainant has not authorized, permitted or licensed the Respondent to use Complainant's trademarks in any manner. The Respondent has no connection or affiliation with the Complainant whatsoever. On this record, Respondent has not been commonly known by the disputed domain name;
- Furthermore, the domain name website has been inactive during its existence (it resolves to a registrar parking page), which implies that there was no Respondent's intention to use the disputed domain name for legitimate purposes;

- The Complainant refers to previous domain name decisions in this regard.

C) BAD FAITH REGISTRATION AND USE

The Complainant states that:

- Seniority of the Complainant's trademarks predates the disputed domain name registration and such trademarks are well known in relevant business circles;
- The Respondent can be considered to be aware of the Complainant's trademark when registering the disputed domain name due to well-known character thereof;
- The disputed domain name is currently inactive, and the absence of any legitimate use supports an inference of bad faith, especially since no plausible use can be conceived that would not risk infringement or misrepresentation;
- It is well-founded that registration of the disputed domain name that is confusingly similar to the Complainant's trademarks, which enjoys a strong reputation, plus other facts, such as above described non-use of the disputed domain name (inactive holding) are sufficient to establish bad faith;
- The Complainant refers to previous domain name decisions contending that registering a domain name incorporating trademarks that enjoy a high level of notoriety and well-known character and at the same time constitute prima facie registration in bad faith, despite the fact that such domain names are not genuinely used.

RESPONDENT:

The Respondent has not provided any response to the Complaint.

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

A) COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY

Since the disputed domain names and the Complainants' trademarks are not identical, the key element investigated and considered by the Panel is whether the disputed domain names are confusingly similar to the Complainants' trademarks under the UDRP first element.

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(s).

This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the trademark is recognizable within the disputed domain name.

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

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.

Applying the principles described above, the Panel finds that incorporation of a dominant “ARCELORMITTAL” element into the disputed domain name constitutes confusing similarity between Complainant’s trademarks and the disputed domain name.

The addition of non-distinctive element „PORTAL“ cannot prevent the confusing similarity in the eyes of internet consumers between the disputed domain name and the Complainant’s trademarks.

For the sake of completeness, the Panel asserts that the top-level suffix in the disputed domain name (i.e. the “.online”) must be disregarded under the identity and confusing similarity tests as it is a necessary technical requirement of registration.

Consequently, the disputed domain name is 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).

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant’s assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorised by the Complainant are sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent.

In addition, given the fact that (i) the disputed domain name has not been genuinely used and (ii) in the absence of the Respondent's response, the Panel concludes that there is no indication that the disputed domain name was intended to be used in connection with a bona fide offering of goods or services as required by UDRP.

Consequently, the evidentiary burden shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second UDRP element.

However, the Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of Policy).

Accordingly, the Panel finds 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.

C) BAD FAITH REGISTRATION AND USE

The Respondent has not used the disputed domain name in any manner, however, the Panel concludes that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding.

Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the Complainant's trademark, (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 disputed domain name may be put.

The Respondent failed to provide any response to the Complaint.

The Complainant's Trademarks possess a high level of distinctiveness and can be considered well known, at least within relevant business circles.

Also, given the instantaneous and global reach of the Internet and search engines, and considering that the Complainant's Trademarks consist of the distinctive name ARCELORMITTAL (which is not a common language term), it can be inferred that the Respondent knew, or should have known, that registering the disputed domain name would be confusingly similar to the Complainant's trademark.

In addition, it is clear that by the addition of a non-distinctive element - prefix "PORTAL" - while all other characters of the disputed domain name are identical to the Complainant's trademarks, it was the Respondent's intention to target Internet users who are legitimately expecting the disputed domain name to be in one way or another associated with the Complainant and its business.

For the reasons described above, since (i) there is only a remote chance that the Respondent has registered the disputed domain name just by a chance and without knowing of the existence of the Complainant's rights and business (ii) there is no real use of the disputed domain name and (iii) the Respondent clearly misleads the internet users about association of the disputed domain name with the Complainant, the Panel contends, on the balance of probabilities, that the disputed domain name has been registered and is being used by the Respondent in bad faith.

Thus, the Panel has taken a view that 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **portal-arcelormittal.online**: Transferred

PANELLISTS

Name	**Jiří Čermák**

DATE OF PANEL DECISION 2025-10-21

Publish the Decision