Decision for dispute CAC-UDRP-107954

Case number	CAC-UDRP-107954
Time of filing	2025-09-16 11:02:36
Domain names	arcelormittalbr.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	MARISA BORTOLINI SCHOMMER

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 the following:

- International trademark registration No. 947686 for ARCELORMITTAL, registered on August 3, 2007;
- Brazilian trademark registration No. 829481516 for ARCELORMITTAL, registered on December 23, 2014.

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 September 10, 2025 and, according to the Complainant, it previously resolved to a

website offering steel materials. At the time of this decision, the disputed domain name resolves to a webpage blocked by antivirus, which ultimately leads to a webpage with the message "This site is currently unavailable".

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 trademark, as it contains this trademark in its entirety. The addition of the term "br" (short for "Brazil") is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark. Generic Top-level Domain (gTLD) ".shop" should not be taken into account when assessing the similarity between the disputed domain name and the Complainant's trademark.

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 to 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 use of the disputed domain name for a website offering competing steel materials is not a bona fide offering of goods or services.

With respect to the third UDRP element, the Complainant holds that its ARCELORMITTAL trademarks are well-known 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. 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 trademark 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).

The entirety of the Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy (WIPO Overview 3.0, section 1.7).

Although the addition of other terms, here "br" (i.e. ISO 3166-1 alpha-2 two-letter country code for Brazil), 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 evidence provided by the Complainant, the disputed domain name was used for a website offering steel materials. The use of the disputed domain name for a website offering and promoting competing services to those of the Complainant would not support a claim to rights or legitimate interests (see WIPO Overview 3.0, section 2.5.3).

The Panel also finds that the structure of the disputed domain name, which contains the Complainant's ARCELORMITTAL trademark in combination with the term "br" (i.e. ISO 3166-1 alpha-2 two-letter country code for Brazil), 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. Furthermore, the previous use of the disputed domain name to promote and offer competing services indicates that the Respondent was well-aware 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 offering steel materials. Such use manifestly indicates bad faith on the Respondent's side. In that sense, 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 a 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. **arcelormittalbr.shop**: Transferred

PANELLISTS

Name	**Stefan Bojovic**

DATE OF PANEL DECISION 2025-10-23

Publish the Decision