Decision for dispute CAC-UDRP-108035

Case number	CAC-UDRP-108035
Time of filing	2025-10-10 07:52:43
Domain names	arcelrmittal.online

Case administrator

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

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Henrique Gomes

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 relies on its registered trademark:

Mark	Territory	Registration No.	Application Date	Registration Date	Classes
ARCELORMITTAL	WIPO Designations: AU, BQ, CW, EM, GE, IS, JP, KR, NO, SG, SX, SY, TR, US, UZ, AL, AM, AZ, BA, BY, CH, CN, CU, DZ, EG, HR, IR, KE, KG, KP, KZ, LR, MA, MC, MD, ME, MK, MN, RS, RU, SD, SM, TJ, UA, VN	947686	03/08/2007	03/08/2007	6, 7, 9, 12, 19, 21, 39, 40, 41, 42

Further, the Complainant operates its business using its domain name <arcelormittal.com>, registered since January 27, 2006.

FACTUAL BACKGROUND

Key aspects of the Complainant's contentions are summarized below.

Complainant's Background

The Complainant, ArcelorMittal, is a globally recognized company specializing in steel production and related industrial services. It is the largest steel producer worldwide, which operates extensive distribution networks worldwide. It holds a leading market position in various sectors such as automotive, construction, household appliances, and packaging, producing 57.9 million tons of crude steel in 2024.

Registration of the Disputed Domain Name

According to the Complainant and the corresponding WHOIS records, the disputed domain name <arcelrmittal.online> was registered on October 7, 2025. According to screenshot evidence provided with the complaint, the disputed domain name resolved to a website offering steel-related services in direct competition with those of the Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant's contentions may be summarized as follows:

1. The disputed domain name is confusingly similar to the Complainant's trademark ARCELORMITTAL, differing only by the omission of the letter "O", a form of typosquatting intended to create confusing similarity and mislead Internet users.
2. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name, as confirmed by the WHOIS record, and has no business or legal relationship with the Complainant. No license or authorization has been granted to the Respondent to use or register the Complainant's trademark. Furthermore, the disputed domain name resolves to a website offering competing steel-related services, which cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under the Policy.
3. The disputed domain name was registered and is being used in bad faith. It is identical to the Complainant's well-known trademark ARCELORMITTAL and the Respondent was clearly aware of this mark at the time of registration. The disputed domain name resolves to a website offering competing steel-related services, demonstrating an intent to exploit the Complainant's reputation and divert Internet users for commercial gain. Such conduct constitutes bad faith registration and use under the Policy.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should 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

LANGUAGE OF PROCEEDING

According to Rule 11 in the Rules for Uniform Domain Name Dispute Resolution Policy, (the "Rules") "...the language of the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding."

The Registrar confirmed that the language of the registration agreement is English. As neither party requested otherwise, the Panel determines that the proceeding shall be conducted in English.

THREE ELEMENTS THE COMPLAINANT MUST ESTABLISH UNDER THE POLICY

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that a disputed domain name should be transferred or cancelled:

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

(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.

The Panel has examined the evidence available and concludes as follows:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS

The Complainant has demonstrated rights in the registered trademark ARCELORMITTAL, which predate the time of registration of the disputed domain name on October 7, 2025, by more than a decade.

The disputed domain name <arcelrmittal.online> reproduces the Complainant's mark almost in its entirety, with the sole omission of the letter "O". Such a deletion - in the context of a distinctive trademark consisting of a 13 letter-string - is an example of typosquatting. See, e.g. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 1.9 ("A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.").

The omission of a single letter does not prevent a finding of confusing similarity, as the overall visual impression remains closely aligned with the Complainant's mark. Furthermore, the generic Top-Level Domain ".online" is a standard technical requirement of registration and is disregarded when assessing confusing similarity. See, e.g. WIPO Overview 3.0, section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's ARCELORMITTAL trademark and that paragraph 4(a)(i) of the Policy is satisfied.

(B) THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the disputed domain name. The generally adopted approach, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it; see, for example, WIPO Overview 3.0, section 2.1 ("While 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 often impossible 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. If the

respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."). However, the burden of proof still remains with the complainant to make out its prima facie case on a balance of probabilities. Moreover, the wording of paragraph 4(a)(ii) of the Policy requires a complainant to establish that the respondent has no rights or legitimate interests in the domain name in issue. Simply establishing that the complainant also has rights in the domain name in issue is insufficient.

Paragraph 4(a)(ii) of the Policy contemplates an examination of the available facts to determine whether a respondent has rights or legitimate interest in the domain name. Paragraph 4(c) sets out a list of circumstances through which a respondent may demonstrate that it does have such rights or interests.

The first circumstance, under Paragraph 4(c)(i), is where "before any notice to you of the dispute, your use of, or 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". Here, according to screenshot evidence submitted by the Complainant, the disputed domain name resolves to a website offering competing steel-related services purporting to be from a Brazilian business called Aço & Ferro, demonstrating that the Respondent's intent is to mislead consumers for commercial gain rather than to make a bona fide offering of goods or services. Previous panels have consistently held that using a confusingly similar domain name to promote competing services does not constitute a legitimate interest under paragraph 4(c)(i) or a fair use under paragraph 4(c)(iii) of the Policy.

The second circumstance, under Paragraph 4(c)(ii), concerns cases where the respondent is commonly known by the domain name. Here, according to the registrar verification, the Respondent name is "Henrique Gomes", and has no similarity or connection to the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. As such, this second circumstance of legitimate rights or interests under the Policy is not applicable to the Respondent.

Regarding the third circumstance, under Paragraph 4(c)(iii) of the Policy, there is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's ARCELORMITTAL trademark. According to the evidence in the record showing the disputed domain name redirects to the Complainant's official website, none of the accepted categories of fair use - such as news reporting, commentary, political speech, education etc – are found to apply and the Panel concludes there is no legitimate non-commercial or fair use on the part of the Respondent.

Lastly, the Complaint confirms that the Respondent is not licensed, nor has any relationship with or authority to represent the Complainant in any way.

Accordingly, the Complainant has sufficiently made out its prima-facie case on the second element of the Policy. Thus, the burden of proof is shifted to the Respondent to rebut the Complainant's case. Here, because the Respondent has not participated in these proceedings, there is no such rebuttal to consider, and the Complainant prevails.

The Panel therefore concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest to the disputed domain name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME

The Complainant's ARCELORMITTAL trademark is distinctive and well-known globally in the steel industry as a leading participant. Prior panels have specifically recognized the fame and notoriety of the Complainant's mark, and it is therefore implausible that the Respondent was unaware of the Complainant when registering the disputed domain name.

The third element requires the Complainant to show that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, e.g. Hallmark Licensing, LLC v. EWebMall, Inc., WIPO Case No. D2015-2202 ("The standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true.").

Further, Paragraph 4(b) of the Policy sets out a non-exhaustive list of four circumstances, any one of which may be evidence of the registration and use of a domain name in bad faith. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website 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 the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy for the reasons as set out below.

The Complainant’s ARCELORMITTAL trademark is distinctive and enjoys a considerable reputation in its industry as expressly confirmed by previous panels. Such reputation is also indicated by the substantial size and reach of the Complainant’s business, which in 2024 produced 57.9 million tons of crude steel and had approx. 125,000 employees.

As mentioned above, previous UDRP panels have confirmed the notoriety of the Complainant, see 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.") and WIPO Case No. DCO2018-0005, ArcelorMittal SA v. Tina Campbell (“The Panel finds that the trademark ARCELORMITTAL is so well-known internationally for metals and steel production that it is inconceivable that the Respondent might have registered a domain name similar to or incorporating the mark without knowing of it.”).

The same logic applies in the instant case, and this Panel finds that because of the well-established status of the Complainant, it is more probable than not that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant's trademarks and thus they registered the disputed domain name with the Complainant in mind. This is even more compelling when one considers the nature of the disputed domain name. Not only is the disputed domain name nearly identical to the mark in which the Complainant has rights, that is, ARCELORMITTAL, but also it differs in elements which are clearly intended to make the disputed domain name closely resemble the Complainant’s trademark ARCELORMITTAL. As mentioned above, the <arcelrmittal.online>, disputed domain name utilizes a typical typo-squatting tactic – with the omission of an “o” - in which the disputed domain name retains close visual similarities to the Complainant’s distinctive and well-known trademark.

Due to use of classic typo-squatting tactics applied to the Complainant‘s distinctive 13-letter trademark, it is apparent the Responded had the Complainant and its ARCELORMITTAL trademark in mind at the time the disputed domain name was registered. Further, the fact that the disputed domain name resolved to a website offering competing services, demonstrates an intentional attempt to attract Internet users for commercial gain by creating confusion as to the source, sponsorship, or affiliation of the website in contravention of Policy, Paragraph 4(b)(iv). See, e.g. FORUM Case No. FA 1796494, Bittrex, Inc. v. Monty Rj / Media Hub (“Use of a disputed domain name to offer competing goods or services demonstrates bad faith under Policy ¶ 4(b)(iv).”).

As a final point, the Panel may draw a negative inference from the Respondent’s silence throughout these proceedings.

In light of the above analysis, the Panel concludes that the Complainant has made out its case that the disputed domain name was registered and are being used in bad faith, and thus has satisfied the requirements 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. **arcelrmittal.online**: Transferred

PANELLISTS

Name	**Claire Kowarsky**

DATE OF PANEL DECISION 2025-11-12

Publish the Decision