Decision for dispute CAC-UDRP-108069

Case number	CAC-UDRP-108069
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Domain names	brasil-arcelormittal.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	RAIMUNDO NONATO BEZERRA DE ALENCAR

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 states that it is the owner of the following trademark registrations:

- International trademark registration No. 947686 “ARCELORMITTAL”, registered on 3 August 2007, for goods and services in classes 6, 7, 9, 12, 19, 21, 39, 40, 41, 42;
- Brazilian trademark registration No. 829481591 “ARCELORMITTAL”, registered on 4 August 2015, for goods in class 19.

The Complainant proved its ownership of the aforementioned trademark registrations by the submitted extracts from the databases of the WIPO and the Instituto Nacional da Propriedade Industrial.

FACTUAL BACKGROUND

The Complainant 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.

The Complainant is a holder, among others, of the domain name <arcelormittal.com>, registered since 27 January 2006.

The disputed domain name <brasil-arcelormittal.com> (hereinafter “disputed domain name”) was registered on 13 October 2025. According to the Registrar, the Respondent is ‘RAIMUNDO NONATO BEZERRA DE ALENCAR’. The Respondent provided an address in Brazil.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the requirements of the UDRP 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 UDRP).

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 UDRP).

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 UDRP).

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

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant. Therefore, the Panel proceeds to decide only on the basis of the Complainant’s factual statements and the documentary evidence provided in support of them [Paragraph 5(f) of The Rules].

1. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademark.

The WIPO Overview 3.0 in Paragraph 1.2.1 states: “Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.”

The WIPO Overview 3.0 in Paragraph 1.7 states: “[…] in cases where a domain name incorporates the entirety of a trademark […] the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.”

The WIPO Overview 3.0 in Paragraph 1.8 states: “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.”

The WIPO Overview 3.0 in Paragraph 1.11.1 states: “The applicable Top Level Domain (“TLD”) in a domain name (e.g., ”.com”, “.club”,

".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test."

In the present case, the Complainant has established that it owns international and Brazilian national trademark registrations for the "ARCELORMITTAL" verbal element, protected for the classes in connection with steel production (proved by the extracts from the databases of the WIPO and the Instituto Nacional da Propriedade Industrial).

The <brasil-arcelormittal.com> disputed domain name contains the Complainant's trademark "ARCELORMITTAL" in its entirety.

In the disputed domain name, the geographical term "BRASIL" is added to the relevant Complainant's trademark. Past panels have declared that the addition of a geographical term to an already existing trademark cannot prevent the finding of confusing similarity of the disputed domain name.

Similarly, the ".com" element of the disputed domain name does not affect the finding of confusing similarity.

Therefore, the disputed domain name is considered to be confusingly similar to the relevant trademark.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interest in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfils this demand the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman). Moreover, past panels were of the view that it is difficult or sometimes impossible to prove negative facts, i.e., absence of rights or legitimate interest on the part of the Respondent. In this respect, past panels referred to the WIPO Case No. D2000-1769, Neusiedler Aktiengesellschaft v. Vinayak Kulkarni. Within the meaning of Paragraph 4(a)(ii) of the UDRP, once the complainant has made something credible (prima facie evidence), the burden of proof shifts to the Respondent to show that he has rights or legitimate interests in the domain name at issue by providing concrete evidence.

The WIPO Overview 3.0 in Paragraph 2.5.1 states: "Generally speaking, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner."

In the Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>, the Panel stated: "Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c) (ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c) (ii)."

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name, but as "RAIMUNDO NONATO BEZERRA DE ALENCAR" (which was evidenced by the submitted Whois information). From the Complainant's view, the Respondent is not known by the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and he is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

The Complainant claims that neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark "ARCELORMITTAL" or apply for registration of the disputed domain name by the Complainant.

The Complainant concludes that the disputed domain name is currently inactive (proved by the submitted screenshot of the respective website). The Complainant contends that the Respondent did not use the disputed domain name, and it confirms that the Respondent has no demonstrable plan to use the disputed domain name.

To the satisfaction of the Panel, the Complainant made a prima facie case that there is no connection between the Complainant and the Respondent and that the Respondent does not have authorization in the disputed domain name from the Complainant.

The Complainant furnished evidence (Whois information) proving that the Respondent is not known under the disputed domain name.

The Complainant also submitted evidence of the Respondent's inactivity (passive holding) regarding the use of the disputed domain name.

The Respondent did not file any Response to the Complaint. Thus, the Respondent failed to demonstrate rights or a legitimate interest in the disputed domain name.

The Panel is of the view that the Respondent has no rights or legitimate interest in the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

3. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Panel finds that the Respondent registered and uses the disputed domain name in bad faith.

The WIPO Overview 3.0 in Paragraph 3.1.4 states: “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith […].“

The WIPO Overview 3.0 in Paragraph 3.3 states: “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.”

In the CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono, the Panel stated that: “There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.”

In the present case, the Complainant has established that it owns international and Brazilian national trademark registrations for the “ARCELORMITTAL” verbal element, protected for the classes in connection with steel production (proved by the extracts from the database of the WIPO and the Instituto Nacional da Propriedade Industrial).

As stated above, the disputed domain name is confusingly similar. This finding indicates the bad faith of the Respondent.

Past panels have declared that the Complainant’s trademark “ARCELORMITTAL” is well-known and globally reputed (see, e.g., the CAC Case No. 101908, ARCELORMITTAL v. China Capital; the CAC Case No. 101667, ARCELORMITTAL v. Robert Rudd or the WIPO Case No. DCO2018-0005, ArcelorMittal SA v. Tina Campbell).

According to the information provided by the Complainant, the Complainant is the largest steel producer in Brazil and employs about 17,000 people.

Therefore, the Panel is of the opinion that the Respondent must have been aware of the Complainant, its trademark and business activities in Brazil at the moment of registering the disputed domain name on 13 October 2025.

The Complainant submitted evidence (screenshot of the respective website) proving that the disputed domain name leads Internet users to a blank page. Since the Respondent did not file any Response to the Complaint, no rights or demonstrable plan to use the disputed domain name were shown.

Moreover, according to the submitted DNS Query, there are active MX records in connection with the disputed domain name. It is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address, in the given circumstances.

The Panel is of the view that the Respondent did not register and is not using the disputed domain name in good faith.

Following the above-mentioned, the Panel finds that the Complainant has satisfied conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **brasil-arcelormittal.com**: Transferred

PANELLISTS

Name	**Radim Charvát**

DATE OF PANEL DECISION 2025-11-19