Decision for dispute CAC-UDRP-108180

Case number	CAC-UDRP-108180
Time of filing	2025-11-26 17:09:22
Domain names	arcelormlttal-br.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	nestor rigqs

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 owner of International Registered Trademark no. 947686 for the word mark ARCELORMITTAL, registered on August 3, 2007 in Classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42, designated in respect of multiple territories.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

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, having manufactured 57.9 million tonnes of crude steel in 2024. It holds sizeable supplies of raw materials and operates extensive distribution networks.

In addition to the Complainant's ARCELORMITTAL registered trademark, the Complainant owns a domain name portfolio containing domain names such as <arcelormittal.com>, registered since January 27, 2006.

The disputed domain name was registered on November 24, 2025 and currently resolves to a parking page provided by the Registrar. MX records are configured in connection with the disputed domain name.

PARTIES CONTENTIONS

Complainant:

The disputed domain name is confusingly similar to the Complainant's ARCELORMITTAL trademark. The substitution of the letter "i" by the letter "l" in the trademark and the addition of the term "-br", referencing an abbreviation for Brazil, are not sufficient to escape a finding of confusing similarity in respect of the disputed domain name. These differences do not change the overall impression of the designation as being connected to the Complainant's trademark, or prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademark. A domain name that wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP.

The addition of the suffix ".com" does not change the overall impression of the designation as being connected to the Complainant's trademark or prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its associated domain name.

The Respondent is not identified in the Whois database as the disputed domain name. Previous panels have held that a respondent is not commonly known by a domain name if the Whois information is not similar thereto.

The Respondent is not related to the Complainant in any way. The Complainant does not carry out any activity for the Respondent and has no business with it. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's ARCELORMITTAL trademark, nor permission to apply for registration of the disputed domain name.

The disputed domain name resolves to a parking page. The Respondent did not use the disputed domain name and has no demonstrable plan to use it.

The disputed domain name was registered and is being used in bad faith. The disputed domain name is confusingly similar to the Complainant's distinctive ARCELORMITTAL trademark. Said trademark is widely known.

Previous panels under the Policy have confirmed the notoriety of the Complainant's trademark. Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. A previous case under the Policy noted that the Complainant's said trademark 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 disputed domain name currently points to a parking page, and the Respondent has not demonstrated any proposed activity in respect of it. It is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by constituting passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. Previous panels under the Policy have held that 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 disputed domain name has been set up with MX records which suggests that it may be actively used for e-mail purposes, although 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.

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

The Complainant has demonstrated to the Panel's satisfaction that it has UDRP-relevant rights in its ARCELORMITTAL trademark by virtue of the registered trademark listed above. The Second-Level Domain of the disputed domain name is largely identical to the Complainant's said trademark, subject to a substitution of the letter "i" with the letter "l", and the addition of the term "-br", possibly referencing an abbreviation for the country of Brazil. These minor typographical differences are insufficient to distinguish the Complainant's mark from the disputed domain name, and the said mark is recognizable therein based upon a straightforward side-by-side comparison. Furthermore, the minor typographical substitution within the Complainant's mark in the disputed domain name constitutes a clear case of typosquatting. The generic Top-Level Domain in respect of the disputed domain name, namely ".com", is typically disregarded for the purposes of the comparison under the first element analysis of the Policy. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's ARCELORMITTAL trademark.

With regard to the second element of the Policy, the Complainant asserts that the Respondent is not commonly known by the disputed domain name (according to a review of the corresponding Whois (or RDAP) information), that the Respondent is neither affiliated with, licensed nor authorized by the Complainant in any manner, that the Complainant carries out no activity for the Respondent and has no business with it, and that neither license nor authorization has been granted to the Respondent by the Complainant to make any use of the Complainant's said trademark or to apply for registration of the disputed domain name. The Complainant submits that the disputed domain name points to a parking page, whereby it is effectively being passively held by the Respondent, such that the Respondent cannot be making a bona fide offering of goods or services, nor is there any evidence of demonstrable preparations to use the disputed domain name for such purpose.

The Panel finds that the Complainant's various contentions, taken together, are sufficient to constitute the requisite prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name (see, for example, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 2.1). The Respondent has not replied to the Complainant's allegations and evidence in this case, and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain name. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

Turning to the question of registration and use in bad faith, it may be noted that the Complainant's ARCELORMITTAL trademark registration long pre-dates the registration of the disputed domain name. Previous cases under the Policy note that the said trademark is very well-known (see, for example, ArcelorMittal (Société Anonyme) v. Robert Rudd, CAC-UDRP-101667, where the panel found that the said mark is highly distinctive and well-established). As noted above, the disputed domain name incorporates a typographical variant of such mark as its first element. In these circumstances, it is entirely reasonable to infer that the disputed domain name was registered by the Respondent with an awareness of the Complainant and its rights, and with an intent to target these. In the absence of any reasonable explanation, the incorporation of such a well-known trademark into a domain name may be, in and of itself, an indication of bad faith.

The disputed domain name points to a registrar parking page and is not engaged in any meaningful use. Accordingly, it is being "passively held". Such passive holding does not allow the Respondent to escape a finding of registration and use in bad faith in circumstances where, as here, the disputed domain name incorporates a typographical variant of, and is confusingly similar to, the Complainant's well-known mark, where the Respondent has failed to submit a Response or otherwise to provide any evidence of actual or contemplated good faith use, and it is implausible that the disputed domain name could be put to any such good faith use if the corresponding website were to become active (see, on this topic, Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003).

In addition, the Panel notes that the disputed domain name has been configured with MX records. Consequently, if it were to be used by the Respondent at any point for the sending of e-mail, this would give the appearance that such communications originated genuinely from the Complainant, particularly if the recipient did not notice the typographical variation in what otherwise seems to be the Complainant's mark. Any replies to said e-mails would be directed by said MX records to a mail server designated by and potentially under the control of the Respondent. This would conceivably lead to the Respondent receiving sensitive personal data from the Complainant's customers, who would be confused by the presence of the Complainant's well-known mark in the disputed domain name into believing that they were sending such information to the Complainant. This could not be considered to be a good faith use of the disputed domain name.

In all of these circumstances, the Panel considers that the Complainant has made out a sufficient case of registration and use in bad faith. The Respondent has not filed a Response in this case and therefore has not addressed the Complainant's assertions of bad faith registration and use to any extent. No explanation has been presented by the Respondent that might have suggested that

its actions regarding the disputed domain name were in good faith.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arcelormlttal-br.com**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2025-12-19

Publish the Decision