Decision for dispute CAC-UDRP-108147

Case number	CAC-UDRP-108147
Time of filing	2025-11-13 09:38:59
Domain names	ndusteel.com

Case administrator

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

Complainant

Organization	INDUSTEEL France

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Bali Visual Now

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending or concluded legal proceedings relating to the domain name <ndusteel.com> ("the disputed domain name").

IDENTIFICATION OF RIGHTS

The Complainant, Industeel France, relies on the following registrations for the mark INDUSTEEL ("the Complainant's Trade Marks"):

- International trade mark registration no. 745241, registered on 5 October2000 in classes 6, 7, 38 and 40 of the Nice Classification; and
- EU trade mark registration no. 001920438, registered on 18 January 2002, , in classes 6 and 40 of the Nice Classification.

FACTUAL BACKGROUND

A. Procedural History

Having reviewed the case file, the Panel formed the view that limited clarification of certain factual and evidential matters would assist in the fair and efficient determination of the dispute. Accordingly, on 23 December 2025, the Panel issued Procedural Order No. 1, pursuant to Rules 10 and 12 of the UDRP Rules, inviting both Parties to submit brief supplemental statements on matters relevant to the assessment of rights or legitimate interests and bad faith. The Procedural Order further afforded each Party an opportunity to comment on any supplemental submission filed by the other Party and extended the due date for the Decision to 9

January 2026.

Following the issuance of Procedural Order No. 1, the Respondent filed a supplemental submission and supporting materials after the deadline specified therein. The Complainant did not file any response.

By Procedural Order No. 2, issued on 8 January 2026, the Panel exercised its discretion under Rules 10 and 12 of the UDRP Rules to admit the Respondent's late supplemental submission into the record and afforded the Complainant an opportunity to comment.

The Complainant did not submit any comments in response to Procedural Order No. 2 within the time prescribed or thereafter. The Panel has therefore proceeded to determine the dispute on the basis of the complete record.

B. Complainant

B.1 Complainant's Factual Allegations

The Complainant is a subsidiary of the ArcelorMittal group and specialises in the production of hot-rolled and forged steel sheet, ingots, and formed parts.. With nearly two centuries of experience in metallurgy, the Complainant conducts business globally through approximately 40 sales offices in around 40 different countries and is recognised as a leading international steel manufacturer.

The Complainant owns and operates multiple domain name incorporating the "Industeel" name, which are used in connection with its international commercial activities.

C. Respondent

C.1 Respondent's Factual Allegations

The Respondent is identified in the WhoIs records as Bali Visual Now. The Respondent asserts that it operates a business under the name "NDU Steel" and that the disputed domain name was registered in connection with that asserted business.

In its supplemental submission, the Respondent explains that "NDU Steel" is an internal abbreviation of its corporate name, PT Nawasena Djaya Utama, combined with the descriptive term "steel". It relies on a tax registration document, business activity descriptions, screenshots of online business listings and social-media presence, and screenshots of a website landing page.

D. Disputed Domain Name

The disputed domain name was registered on 31 October 2025. At the time of this Decision, it does not resolve to any active website or content.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant contends that:

1. The disputed domain name is confusingly similar to its trade mark INDUSTEEL and constitutes a case of typosquatting;

2. The Respondent has no rights or legitimate interests in the disputed domain name, has not been authorised by the Complainant, and has made no bona fide use of the disputed domain name; and

3. The disputed domain name was registered and is being used in bad faith, having regard to the Complainant's long-standing reputation, the nature of the misspelling, and the Respondent's passive holding of the disputed domain name.

The Complainant seeks transfer of the disputed domain name.

B. Respondent's Submissions

The Respondent submits that:

1. The disputed domain name corresponds to its asserted business name "NDU Steel";

2. The disputed domain name was registered on a first-come, first-served basis and without any intention to target the Complainant; and

3. The Respondent denies bad faith and contends that it did not intend to cause confusion.

The Respondent requests that the Complaint be denied.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has failed to establish to the satisfaction of the Panel, that the Respondent has no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the UDRP Policy).

BAD FAITH

The Complainant has failed to establish, to the satisfaction of the Panel, 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 UDRP Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP Policy, the UDRP Rules, and the CAC Supplemental Rules have been met. The dispute is therefore properly before the Panel.

Procedural Orders Nos. 1 and 2 were issued in this proceeding, and the Panel is satisfied that these procedural steps afforded each Party a fair opportunity to present its case in accordance with Rules 10 and 12 of the UDRP Rules.

PRINCIPAL REASONS FOR THE DECISION

A. Legal Framework

Under paragraph 4(a) of the UDRP Policy, the Complainant must establish, on the balance of probabilities, that:

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

(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.

These requirements are cumulative, and the failure to establish any of them is fatal to the Complaint.

B. Identical or Confusingly Similar

The Panel finds that the disputed domain name <ndusteel.com> is confusingly similar to the Complainant's INDUSTEEL trade mark. The omission of the initial letter "i" does not dispel confusion.

The first element of paragraph 4(a) of the UDRP Policy is therefore satisfied.

C. Rights or Legitimate Interest

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

However, the Respondent has rebutted that prima facie case. The Panel accepts that the Respondent is a legally established company in Indonesia, and that “NDU Steel” is a plausible business name derived from its corporate identity combined with a descriptive industry term.

The evidence shows that the Respondent has undertaken preparatory steps to use the disputed domain name in connection with a bona fide business, including the creation of a landing page and an associated online presence.

On the balance of probabilities, the Panel finds that the Respondent has established rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(c) of the UDRP Policy.

Accordingly, the Complainant has failed to establish paragraph 4(a) of the UDRP Policy.

D. Registered and Used in Bad Faith

Given the Panel's finding under paragraph 4(a)(ii), it is not strictly necessary to determine bad faith. Nevertheless, the Panel addresses this element for completeness.

The Panel is not persuaded that the Respondent registered the disputed domain name with the intention of targeting the Complainant or its Trade Marks. There is no evidence that the Respondent sought to exploit the Complainant's reputation, to mislead Internet users, or to create an association with the Complainant.

In these circumstances, the Panel finds that bad faith registration and use have not been established.

Accordingly, the Complainant has failed to establish paragraph 4(a)(iii) of the UDRP Policy.

E. Decision

For the foregoing reasons, The Panel finds that, although the disputed domain name is confusingly similar to the Complaint's Trade Marks, the Complainant has failed to establish the cumulative requirements of paragraph 4(a) of the UDRP Policy. The Complaint is denied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **ndusteel.com**: Remaining with the Respondent

PANELLISTS

Name	**Gustavo Moser**

DATE OF PANEL DECISION 2026-01-07

Publish the Decision