Decision for dispute CAC-UDRP-108573

Case number	CAC-UDRP-108573
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Domain names	arselormittalkryvyirihtu.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ARCELORMITTAL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Ivan Eliseev

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 established by evidence that the Complainant registered the international trademark for ARCELORMITTAL, n° 947686 registered with the World Intellectual Property Organisation on August 3, 2007 ("the ARCELORMITTAL trademark").

FACTUAL BACKGROUND

The Complainant, Arcelormittal, is a renowned Luxembourgian company engaged in the provision of steel products. It 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. The Complainant provides its goods and services under its registered ARCELORMITTAL trademark.

As well as the ARCELORMITTAL trademark, the Complainant has registered the domain name <arcelormittal.com> which it did on January 27, 2006; it uses that trademark in its business to promote and offer its goods and services.

It has come to the notice of the Complainant that, without any permission to do so, and well after the Complainant had acquired its aforesaid trademark rights, the Respondent registered the domain name <arselormittalkryvyirihtu.com> on March 10, 2026, with only a slight change to the spelling of the trademark and the addition of words signifying the name of the Complainant's subsidiary company in Ukraine, all designed to give the impression that it is or is authorized by the Complainant, which it is not. The Complainant maintains that this is a clear infringement of its ARCELORMITTAL trademark and a breach of the Policy. It has also

come to the notice of the Complainant that the Respondent has caused the Disputed Domain Name to resolve to a website which purports to offer for sale steel products competing with those of the Complainant. The Complainant maintains that this use of the Disputed Domain Name generates confusion between it and the Complainant's ARCELORMITTAL trademark. The Complainant also maintains that this conduct is a clear infringement of its ARCELORMITTAL trademark and a breach of the Policy.

The Disputed Domain Name and its aforesaid use pose a very concerning threat to the Complainant's business and the ARCELORMITTAL trademark and brand. That is because of the current use of the Disputed Domain Name and the potential for it and any website to which it resolves in the future to transgress on the Complainant's trademark rights and its business conducted under the trademark, as well as the potential for phishing for information.

The Complainant has therefore brought this proceeding under the Uniform Domain Name Dispute Resolution Policy to obtain a transfer of the Disputed Domain Name to itself and thus achieve the cessation of the improper use to which the Respondent has put it.

The Complainant submits that the Disputed Domain Name is confusingly similar to its trademark, that registering the Disputed Domain Name and using it in the aforesaid manner cannot give rise to a right or legitimate interest in the Disputed Domain Name and that the Disputed Domain Name has been registered and used in bad faith.

PARTIES CONTENTIONS

Complainant

1. The Complainant is a company incorporated in Luxembourg and operating internationally and which specializes in steel production. It 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.

2. The Complainant conducts its business under the international trademark for ARCELORMITTAL, n° 947686, registered with the World Intellectual Property Organisation on August 3, 2007.

3. As well as its aforesaid trademark, the Complainant registered the domain name <arcelormittal.com> on January 27, 2006 which it uses to promote and offer its goods and services.

4. The Respondent registered the domain name **<arselormittalkryvyirihtu.com>** on March 10th, 2026 using configured MX servers and has caused it to resolve to a website purporting to offer steel products that compete with those of the Complainant ("the disputed domain name").

5. The Disputed Domain Name is confusingly similar to the ARCELORMITTAL trademark as it incorporates the aforesaid trademark and substitutes the letter "s" for the letter "C" of the trademark, thus giving the impression that it is connected with the trademark. The Disputed Domain Name also includes the expression "kryvyirihtu" which invokes the Ukrainian subsidiary of the Complainant and thus further reinforces the notion that the Disputed Domain Name is connected with the Complainant.

6. The Respondent has no rights or legitimate interests in the Disputed Domain Name on the grounds that:

(a) the Respondent is not commonly known by the Disputed Domain Name;

(b) the Respondent is not related to or associated with the Complainant and the Complainant has not given the Respondent any authority or permission to register or use the Disputed Domain Name; nor does the Respondent carry on any business with the Complainant;

(c) the Respondent has caused the Disputed Domain Name to resolve to a website that purports to offer steel products that compete with those of the Complainant;

(d) the aforesaid registration and use which the Respondent has made of the Disputed Domain Name shows that it was registered and used to create a likelihood of confusion with the Complainant and its trademark;

(e) the Respondent has not used the Disputed Domain Name for a bona fide offering of goods or services; and

(f) there is no other ground on which it could conceivably be contended that the Respondent has a right or legitimate interest in the Disputed Domain Name.

7. The Disputed Domain Name has been registered and used by the Respondent in bad faith on the following grounds :

(a) the Respondent had actual knowledge of the Complainant and its trademark when it, the Respondent, registered and used the Disputed Domain Name;

(b) the Respondent has used the Disputed Domain Name to resolve to a website which purports to offer steel products that compete with those of the Complainant;

(c) by reason of the matters aforesaid, and by trading on the fame of the Complainant's ARCELORMITTAL trademark, the

Respondent has registered and used the Disputed Domain Name to create a likelihood of confusion with the Complainant and its trademark within the meaning of paragraph 4(b)(iv) of the Policy;

(d) the Respondent registered the Disputed Domain Name by using MX records, which suggests that it may be actively used for email purposes; and

(e) there is no ground for contending that the Respondent registered and used the Disputed Domain Name otherwise than in bad faith.

8. Accordingly, the Complainant submits that the Disputed Domain Name should be transferred from the Respondent to the Complainant.

Respondent

The Respondent is in default and has not filed a Response in this proceeding.

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

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules.

1. Administrative deficiency

By notification dated April 14, 2026 and in accordance with Paragraph 4 (b) of the Rules, the CAC notified the Complainant that the Complaint was administratively deficient in that it had not sufficiently identified the Respondent. The Complainant was invited to see the Registrar's verification available in the online case file in the form of a non-standard communication regarding the appropriate identification of the domain name holder.

Also, on April 14, 2026, the Complainant filed an Amended Complaint correcting the deficiency and the CAC thus determined that the Complaint should be admitted to proceed further in the Administrative Proceeding.

The Panel has reviewed all of the above matters and makes a finding that within the meaning of Paragraph 4(b) of the Rules, the administrative deficiencies have been corrected and that this matter has proceeded properly to the Panel in accordance with the Policy and the Rules.

2. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents

submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. In that regard, the Panel also notes that the onus is on the Complainant to make out its case, and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.

For the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy, that:

(i) the 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 domain name; and

(iii) the domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

A. Identical or Confusingly Similar.

The first issue that arises is whether the Complainant has a trademark on which it may rely in this proceeding. In that regard, the Panel finds that the Complainant has adduced evidence, which the Panel accepts, that it is the registered owner of the ARCELORMITTAL trademark, n° 947686, registered by the Complainant with the World Intellectual Property Organisation on August 3, 2007, particulars of which are set out above. That evidence is in documentary form that the Panel has examined and finds to be in order and that the ARCELORMITTAL trademark was registered well prior to the date on which the Respondent registered the Disputed Domain Name, namely on March 10th, 2026 and that it is current. The Panel therefore finds that the Complainant has established its trademark rights and hence its standing to institute this proceeding.

The next issue is whether the Disputed Domain Name is identical or confusingly similar to the ARCELORMITTAL trademark. The Complainant contends that the Disputed Domain Name is confusingly similar to the ARCELORMITTAL trademark. The Panel finds that the Disputed Domain Name is confusingly similar to that trademark. That is so for the following reasons.

The evidence has established that on March 10, 2026 the Respondent registered the Disputed Domain Name, which includes the entirety of the ARCELORMITTAL trademark, although its spelling has been slightly changed, as it substitutes the letter "s" for the letter "C" of the trademark. Panels regularly hold that such minor changes cannot affect the overall impression made by a domain name, as in the present case, that the Disputed Domain Name is connected with the trademark. The Disputed Domain Name also includes the expression "kryvyirihtu" which invokes the Ukrainian subsidiary of the Complainant and which clearly reinforces the notion that the Disputed Domain Name is connected with the Complainant, as the internet reader would immediately conclude that it not only purports to invoke the Complainant but also the activities of the Complainant carried out in Ukraine by its subsidiary.

The Disputed Domain Name also includes the Top Level Domain ".com", but this cannot influence how the Disputed Domain Name is interpreted, as all domain names must have such an extension.

The entirety of the trademark is therefore included in the Disputed Domain Name and the trademark is not only the first feature of the Disputed Domain Name but also its most dominant feature. Accordingly, the attention of internet users would naturally be drawn to the use of the trademark in the Disputed Domain Name which would inculcate to the user's mind to believe that it is an official domain name of the Complainant or that it was authorized by the Complainant, neither of which, on the evidence of the Complainant, is true. Internet users would conclude that the Disputed Domain Name is invoking the Complainant, its trademark and its activities in Ukraine, thus making it confusingly similar to the trademark.

Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's ARCELORMITTAL trademark; it is similar to the trademark because its dominant element is the Complainant's ARCELORMITTAL trademark itself with only the slight spelling change referred to above, and it is confusingly similar because internet users would naturally wonder whether it was an official and genuine domain name of the Complainant or not.

The Complainant has therefore established the first element that it must show under Paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests.

Under Paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

But by virtue of Paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [respondent] 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; or

(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the complaint will fail. It is also well-established that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests and that when such a prima facie case is made out, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent cannot do so, a complainant is deemed to have satisfied Paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a strong prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The case is made stronger by the Complainant having adduced relevant documentary evidence which the Panel accepts, and by the Complainant's citation and discussion of previously decided UDRP cases which support its contentions.

The Panel will address each of the grounds relied on by the Complainant in the order in which they have been submitted.

Those grounds are that:

(a) the Respondent is not commonly known by the Disputed Domain Name; the Panel finds that the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy as there is no evidence that the Respondent is known by the Disputed Domain Name and no evidence that it is known by any name other than its own, which is not the Disputed Domain Name but Ivan Eliseev;

(b) the Respondent is not related to or associated with the Complainant and the Complainant has not given the Respondent any authority or permission to register or use the Disputed Domain Name; nor does the Respondent carry on any business with the Complainant; the evidence is also that the Complainant has not given any permission or authority to the Respondent to register or use the Disputed Domain Name and that there is no affiliation, business or other relationship between the Complainant and the Respondent; that being so, it could not be said that the Disputed Domain Name was registered with anything like consent from the Complainant, which might show a right or legitimate interest if made out on the evidence; in the present case, however, there is no such evidence;

(c) the Respondent has caused the Disputed Domain Name to resolve to a website that purports to offer steel products that compete with those of the Complainant; this is shown by Annex 5 to the Complainant; the most prominent feature of that website is the heading at its top, which is ARSELORMITTAL KRYVYI RIH TU which asserts that it is the subsidiary of the Complainant in Ukraine, and the site goes on to say, as is verified by the Complainant's evidence, that it is offering steel products on its website competing with those of the Complainant; this is clearly deceptive and could not conceivably give rise to a right or legitimate interest of the Respondent in the Disputed Domain Name because of that subterfuge;

(d) the aforesaid registration and use which the Respondent has made of the Disputed Domain Name as just described, shows that it was registered and used to create a likelihood of confusion with the Complainant and its trademark; clearly the intention of the Respondent was to give the false impression that it was the Complainant or that it was authorized by it and hence to confuse internet users by pretending that it was the Complainant's Ukrainian subisdiary, which it is not; this is a dishonest use of the Complainant's trademark and hence could not give rise to a right or legitimate interest in the Disputed Domain Name;

(e) the Respondent has not used the Disputed Domain Name for a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy; the foregoing conclusion on the evidence is equally relevant on this issue and it shows that the Respondent's conduct was not bona fide, but would be more accurately described as mala fide, because it is dishonest; there is nothing bona fide in stealing another party’s trademark and using it to resolve to a website with content inconsistent with the Complainant's interests; in addition, the Panel notes that there is provision on the offending website for personal information to be provided by users, which is always a good guide to concluding that a registrant is attempting to use a domain name for purposes of phishing, which is certainly not bona fide as it is deceptive; and

(f) the evidence shows that there is no other ground on which it could conceivably be contended that the Respondent has a right or legitimate interest in the Disputed Domain Name.

The Complainant has therefore made out its prima facie case. The Respondent has not rebutted the prima facie case as it is in default and has not filed a Response.

The Complainant has therefore made out the second of the three elements that it must establish under Paragraph 4(a)(ii) of the Policy.

C. Registration and Use in Bad Faith.

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. 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 on all of the grounds relied on by the Complainant.

The Panel will deal with each of those grounds in the order in which they have been raised by the Complainant.

They are that:

(a) the Respondent had actual knowledge of the Complainant and its trademark when it, the Respondent, registered and used the Disputed Domain Name; it must be concluded on the evidence that the Respondent had actual knowledge of the Complainant's well-known trademark when it registered the Disputed Domain Name and the presence of such a famous trademark in a domain name indicates that the Respondent was well-aware of the Complainant and its trademark, knew its target and hence registered the Disputed Domain Name in bad faith; indeed, the Respondent could not have carried out its subterfuge unless it had actual knowledge of the Complainant, its trademark, famous brand and products.

(b) the Respondent has used the Disputed Domain Name to resolve to a website which purports to offer steel products that compete with those of the Complainant; this has been shown by Annex 5 referred to above; thus, the Respondent has registered and is using the Disputed Domain Name, incorporating as it does the Complainant's trademark, to sell products that purport to be similar to or the same as those of the Complainant, which is an obvious infringement of the Complainant's trademark and conduct which must be inimical to the Complainant's interests if it occurs; this is clearly inconsistent the Complainant's rights and inevitably damaging to it; it was therefore in bad faith to register a domain name for that purpose and in bad faith to purport to use it for the same purpose;

(c) by reason of the matters aforesaid, and by trading on the fame of the Complainant's ARCELORMITTAL trademark, the Respondent has registered and used the Disputed Domain Name to create a likelihood of confusion with the Complainant and its trademark within the meaning of paragraph 4(b)(iv) of the Policy; there can be no doubt that the result of the Respondent's conduct must be to engender confusion among internet users one way or the other, as to whether the products on offer are genuine or not; thus, the specific ground under paragraph 4(b)(iv) has been made out;

(d) the Respondent registered the Disputed Domain Name by using MX records, which suggests that it may be actively used for email purposes; that being so, there is a propensity for the Complainant's trademark to be used not in its interests and for proper purposes as the Complainant may determine, but for unknown and potentially damaging purposes; and

(e) there is no ground for contending that the Respondent registered and used the the Disputed Domain Name otherwise than in bad faith; all of the evidence points in the one direction, namely that the Respondent's intention, and certainly its effect, have been to do harm to the Complainant.

In addition, the Respondent has clearly sought to generate confusion between the Complainant and the Respondent within the meaning of paragraph 4(b)(iv) of the Policy by registering the Disputed Domain Name which is confusingly similar to the trademark and which impersonates the Complainant; the Respondent's subterfuges must have been devised for one reason, to give the false impression that it was the Complainant or was authorized by it and that communicating and dealing with the Respondent would be tantamount to communicating with the Complainant, which was false; all of this amounted to generating confusion and this ground of bad faith is therefore made out.

The Complainant has therefore made out the third of the three elements that it must establish under Paragraph 4(a)(iii) of the Policy.

The Complainant has thus established all of the elements it is required to prove under the Policy and has done so by its direct evidence and the Annexes to the Complaint.

The Complainant is therefore entitled to the relief that it seeks, namely transfer of the Disputed Domain Name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arselormittalkryvyirihtu.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2026-05-12

Publish the Decision