

Decision for dispute CAC-UDRP-104745

Case number	CAC-UDRP-104745
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Time of filing	2022-07-25 10:15:48
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Domain names	arcelormittal.com
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Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	ARCELORMITTAL (SA)
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	CJ Goh
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OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark n° 947686 "ARCELORMITTAL", registered on August 3, 2007.

FACTUAL BACKGROUND

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

The Complainant is a company specializing in steel production worldwide with a website at "www.arcelormittal.com".

The Complainant is the largest steel-producing company in the world. It is the market leader in steel for automotive, construction, household appliances, and packaging, with 69.1 million tonnes of crude steel made in 2021. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant also owns a domain names portfolio, such as the domain name <arcelormittal.com> registered since January 27, 2006.

The disputed domain name was registered on July 18, 2022, and resolves to a parking page with commercial links.

COMPLAINANT:

A. THE DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant states that the disputed domain name is confusingly similar to its trademark “ARCELORMITTAL” and its domain names associated, as it includes the Complainant’s trademark in its entirety.

The apparent misspelling of the Complainant's trademark “ARCELORMITTAL”, i.e., the addition of the letter "l", is characteristic of a Typosquatting practice intended to create confusing similarity between the Complainant’s trademark and the disputed domain name.

Furthermore, the Complainant contends that adding the gTLD ".COM" does not change the overall impression of the designation as being connected to the Complainant's trademark. Therefore, it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark, and its domain names associated.

Consequently, the disputed domain name is confusingly similar to Complainant’s trademark “ARCELORMITTAL”.

B. RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTEREST IN RESPECT OF THE DOMAIN NAME

The Complainant asserts that the Respondent is not known as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as 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.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark or apply for registration of the disputed domain name by the Complainant.

Besides, the Complainant also claims that the disputed domain name is a typosquatted version of the trademark “ARCELORMITTAL”. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can provide evidence that a respondent lacks rights and legitimate interests in the domain name.

Furthermore, the disputed domain name resolves to a parking page with commercial links. Past panels have found it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Thus, under the preceding, the Complainant contends that the Respondent has no right or legitimate interest in the disputed domain name.

C. THE DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant contends that the disputed domain name is confusingly similar to its distinctive trademark “ARCELORMITTAL”.

The Complainant’s trademark “ARCELORMITTAL” is widely known. Past panels have confirmed the notoriety of the trademark “ARCELORMITTAL”.

Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Moreover, the Complainant states the misspelling of the trademark “ARCELORMITTAL” was intentionally designed to be confusingly similar to the Complainant's trademark. Previous UDRP panels have seen such actions as evidence of bad faith.

Furthermore, the disputed domain name resolves to a parking page with commercial links. The Complainant contends the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademarks for its own commercial gain, which is evidence of bad faith.

On those facts, the Complainant contends that Respondent has registered the disputed domain name <arcelormittal.com> and is using it in bad faith.

RESPONDENT

No administratively compliant Response was filed.

RIGHTS

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

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has 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

To the satisfaction of the Panel, the Complainant has 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 have been met, and there is no other reason why it would be unsuitable for providing the Decision.

PRINCIPAL REASONS FOR THE DECISION

A. Identical or Confusingly Similar

First, the Panel is satisfied that the Complainant has shown it owns rights in the “ARCELORMITTAL” trademark, with registration and evidence, provided dating the trademark registration back to August 2007.

Turning to analyze if there is a confusing similarity between the disputed domain name and the trademark, the Panel notes, based on the record at hand, that the disputed domain name reproduces the trademark in its totality, namely “ARCELORMITTAL”, with one exception. This exception relates to the addition of the letter “l” between the two “TTs” in the trademark, namely “arcelormittal”.

As discussed in paragraph 1.9 WIPO of Overview 3.0, the consensus view, which this Panel finds persuasive, is that “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 practice ‘typosquatting’ is common in this field, consisting of insignificant modifications to trademarks to seek to wrongfully take advantage of errors by users in typing domain names into their web browser’s location bar.

In the case at hand, the disputed domain name is visually similar to the “ARCELORMITTAL”, trademark differing only by the addition of the letter “l”, and this slight difference is immaterial to dispel the confusing similarity between the disputed domain name and the Complainant’s trademarks.

Consequently, the Panel determines that the Complaint has satisfied the Policy's first element set under paragraph 4(a)(i).

B. Rights or Legitimate Interests

Based on the evidence on record and acknowledging that the Respondent failed to produce any allegations or evidence necessary to demonstrate its rights or legitimate interests in the disputed domain name, the Panel must turn to the uncontested facts.

The uncontested facts indicate that a) the Respondent is not commonly known by the disputed domain name; b) the Respondent is not affiliated with the Complainant; c) the Respondent is not authorized to carry out any activity for the Complainant; d) the Respondent has no license or authorization to use the trademarks; e) the Respondent is not using the disputed domain name and has not demonstratable plans to use the disputed domain name legitimately.

Additionally, the Respondent failed to respond to the Complainant's contentions, and consequently, the Respondent has not rebutted the prima facie case, as described in paragraph 2.1 of WIPO 3.0 Overview.

These facts lead the Panel to conclude that the Respondent did not have rights or legitimate interests in the disputed domain name.

Consequently, the Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name. Subsequently, the Complainant has fulfilled the second requirement set under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel notes that as per the evidence on record, the Respondent was more than likely aware of the Complainant and had the Complainant's trademarks in mind when registering the disputed domain name.

The Respondent registered the disputed domain name incorporating the entirety of the trademark, with a slight change, namely the addition of a letter "l" in between the two "TTs" of the trademark, a practice commonly known as typosquatting.

Per the evidence on record and balance of probability, the Panel is left with no other option than to conclude that the most likely intention of the Respondent was to intentionally attempt to attract, for commercial gain, Internet users to its website/disputed domain name, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and/or disputed domain name, as per illustrated under paragraph 3.1 of WIPO 3.0 Overview.

Accordingly, the Panel finds that the Complainant has satisfied the final element required under paragraph 4(a)(iii) of the Policy.

In light of the case's circumstances, based on the available records, the Panel finds that the Complainant has proven that the disputed domain name was registered and is used in bad faith according to paragraph 4(a)(iii) of the Policy.

D. Decision

For the preceding reasons and in concurrence with the provisions specified under Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ARCELORMITITAL.COM:** Transferred

PANELLISTS

Name	Rodolfo Carlos Rivas Rea
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DATE OF PANEL DECISION	2022-08-23
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Publish the Decision
