

ADMINISTRATIVE PANEL DECISION

Arcelormittal v. bill chill, chill
Case No. D2023-2699

1. The Parties

The Complainant is Arcelormittal, Luxembourg, represented by Nameshield, France.

The Respondent is bill chill, chill, United States of America.

2. The Domain Name and Registrar

The disputed domain name <arcelormittal-ltd.com> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 23, 2023. On June 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent which was “On behalf of arcelormittal-ltd.com OWNER, c/o whoisproxy.com”, and contact information in the Complaint. The Center sent an email communication to the Complainant on July 6, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 6, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2023.

The Center appointed Alfred Meijboom as the sole panelist in this matter on August 24, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and

Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. 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 59 million tons crude steel made in 2022.

The Complainant is the owner of the international trademark ARCELORMITTAL, with registration number 947686, which was registered on August 3, 2007 for, *inter alia*, common metals and alloys, and treatment of material including ores and common metals and alloys (the “ARCELORMITTAL trademark”).

The disputed domain name was registered on June 21, 2023 and resolves to a parking page provided by Hostinger, with MX servers being configured.

5. Parties' Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to the ARCELORMITTAL trademark, while the addition of “-ltd” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the ARCELORMITTAL trademark.

The Complainant contends that the Respondent is not known as the disputed domain name, has no rights or legitimate interests in respect of the disputed domain name, and it is not related in any way with the Complainant. The Complainant also claims that it granted the Respondent neither a license nor authorization to make any use of the ARCELORMITTAL trademark or apply for registration of the disputed domain name. The disputed domain name resolves to a parking page which the Complainant alleges indicates that the Respondent did not use the disputed domain name until its creation, and it confirms that the Respondent has no demonstrable plan to use the disputed domain name so that a lack of legitimate interests in respect of the disputed domain name is demonstrated.

According to the Complainant the ARCELORMITTAL trademark is widely known, for which reason it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the ARCELORMITTAL trademark. The Complainant also alleged that the Respondent has not demonstrated any activity in respect of the disputed domain name until its creation, and 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 being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. And the fact that MX servers were configured suggests that the disputed domain name may be actively used for email purposes. The Complainant therefore alleges that the Respondent has registered and used the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), the consensus view of UDRP panels is that a respondent's default does not automatically result in a decision in favor of the

complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the ARCELORMITTAL trademark, which trademark is clearly recognizable in the disputed domain name. The addition of "-tld" does not prevent a finding of confusing similarity.

According to section 1.11 of the [WIPO Overview 3.0](#) a generic Top level domain ("gTLD") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test, so that the disputed domain name's gTLD ".com" does not change the finding that the disputed domain name is confusingly similar to the ARCELORMITTAL trademark.

Accordingly, the first requirement of paragraph 4(a) of the Policy is met.

B. Rights or Legitimate Interests

The Complainant must make a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, which the Respondent may rebut (e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Panel takes note of the various allegations of the Complaint and in particular, that no authorization has been given by the Complainant to the Respondent to use the ARCELORMITTAL trademark or to register the disputed domain name and that the Respondent has not been commonly known by the disputed domain name. These allegations of the Complainant remain unchallenged. There is no evidence before the Panel to show that the Respondent has rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Pursuant to paragraph 4(b)(ii) of the Policy, there is evidence of registration and use of the disputed domain name in bad faith if 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 [it has] engaged in a pattern of such conduct." The Panel is confident that the Respondent engaged in a pattern of registration of domain names which incorporate the ARCELORMITTAL trademark for such purpose. In this respect the Panel considers it virtually inconceivable that the Respondent in the matter at hand is not the same respondent in a number of recent UDRP cases involving domain names which also incorporate the ARCELORMITTAL trademark, including *Arcelormittal (SA) v. Whois Privacy Protection Foundation / bill chill*, WIPO Case No. [DCO2022-0035](#); *Arcelormittal (SA) v. Whois Privacy Protection Foundation / bill chill*, WIPO Case No. [DCO2022-0038](#); *Arcelormittal (SA) v. Whois Privacy Protection Foundation / Bill Chill*, WIPO Case No. [DCO2022-0050](#); *Arcelormittal (SA) v. bill chill*, WIPO Case No. [DBZ2023-0001](#), with the

Respondent varying its country of origin and the representation of its name. The likelihood that it concerns one and the same Respondent is further reinforced by the fact that all the domain names in disputed in such cases also resolved to an inactive website, which is, if mentioned in the relevant decision, a parking page provided by Hostinger, and in many of these decisions, also with MX servers being configured.

Considering the reputation of the ARCELORMITTAL trademark, which was confirmed by a number of previous UDRP panels (e.g., *ArcelorMittal SA v. Tina Campbell*, WIPO Case No. [DCO2018-0005](#); *Arcelormittal (SA) v. steve coving*, WIPO Case No. [D2022-4647](#); *Arcelormittal (SA) v. Renata Paola Cardona Ulin*, WIPO Case No. [D2023-1441](#)), and the Panel's finding that the Respondent engaged in a pattern of registration of domain names which incorporate the ARCELORMITTAL trademark, the Complainant is satisfied that the Respondent must have been aware of the ARCELORMITTAL trademark when it registered the disputed domain name.

Consequently, the Panel is satisfied that the Respondent registered and uses the disputed domain name in bad faith. Therefore, the Panel finds that the Complainant has also satisfied the third requirement of paragraph 4(a) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <arcelormittal-ltd.com> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: September 7, 2023