

ADMINISTRATIVE PANEL DECISION

Arcelormittal v. fan jian fei
Case No. D2024-0234

1. The Parties

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

The Respondent is fan jian fei, China.

2. The Domain Name and Registrar

The disputed domain name <arcelorgroup.com> (the “Disputed Domain Name”) is registered with Hongkong Kouming International Limited (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 19, 2024. On January 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 22, 2024, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 2024, 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 in English on January 24, 2024.

On January 24, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the Disputed Domain Name is Chinese. On January 24, 2024, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on January 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 26, 2024.

The Center appointed Kar Liang Soh as the sole panelist in this matter on March 7, 2024. 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 a multinational company specialising in steel production and is a market leader in steel production for use in automotive, construction, household appliances and packaging. Based on the Complainant's website, the Complainant appears to operate an extensive distribution network, with steel manufacturing operations in 16 countries, customers in 155 countries, and more than 150,000 employees.

The Complainant owns the following international trademark registration for the ARCELOR mark:

Registration No.	Registration Date	Office of Origin	Designated Countries
778212	February 25, 2002	Benelux Office of Intellectual Property	Albania, Algeria, Armenia, Australia, Azerbaijan, Belarus, Bosnia and Herzegovina, Cuba, Egypt, Iceland, Japan, Kazakhstan, Kyrgyzstan, Republic of North Macedonia, Moldova (Republic of), Mongolia, Morocco, Norway, Russian Federation, Serbia, Singapore, Sudan, Switzerland, Tajikistan, Türkiye, Ukraine, Uzbekistan, Viet Nam

The Complainant also owns several domain names incorporating the ARCELOR trademark, including <arcelor.com> which was registered and used since August 29, 2001 and <arcelormittal-group.com> which was registered since June 26, 2006.

The Respondent appears to be an individual based in China. Beyond the WhoIs information of the Disputed Domain Name, very little information about the Respondent is available.

The Disputed Domain Name was registered on December 16, 2023. On or around January 17, 2024, the Disputed Domain Name resolves to a page at <juming.com> offering the Disputed Domain Name for sale for CNY 22,868.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

- a) The Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. The addition of the generic term "group" does not change the overall impression of the designation as being connected to the Complainant's trademark.
- b) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Respondent is not affiliated with nor authorised by the Complainant in any way. The Respondent has not been granted a license or authorisation by the Complainant to make any use of the Complainant's trademark

or apply for registration of the Disputed Domain Name. The Disputed Domain Name resolves to a page offering the Disputed Domain Name for sale, evidencing the Respondent's lack of rights or legitimate interest.

c) The Disputed Domain Name was registered and is being used in bad faith. It is reasonable to infer that the Respondent has registered the Disputed Domain Name with full knowledge of the Complainant's trademark. The Respondent has failed to make active use of the Disputed Domain Name. The Respondent has registered the Disputed Domain Name only in order to sell it back for out-of-pocket costs.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The Registration Agreement of the Disputed Domain Name is in Chinese. Accordingly, the default language of the proceeding should be Chinese. However, under paragraph 11 of the Rules, the Panel is empowered to determine a different language of proceeding having regard to the circumstances. The Panel determines that English shall be the language of the proceeding. In making this determination, the Panel has considered the following factors:

- a) The Respondent has chosen not to participate in the proceeding by not filing a Response;
- b) The Complaint has already been submitted in English and no procedural benefit would arise should the Panel insist on Chinese being the language of the proceeding. On the contrary, doing so at such an advanced stage of the proceeding would in all likelihood delay proceedings unnecessarily; and
- c) The Panel is bilingual in English and Chinese and is well-equipped to deal with submissions by the Parties in either language.

6.2 Discussion

A. Identical or Confusingly Similar

The Panel accepts that the Complainant has rights in the ARCELOR trademark by virtue of trademark registration.

The Disputed Domain Name incorporates the Complainant's trademark entirely, with the term "group" appended at the end. According to section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)"), UDRP panels have established that the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The present case does not present any unusual circumstances which require the Panel to depart from this guideline. The Panel is of the view that the addition of the term "group" does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's trademark.

As such, the Panel finds that the Disputed Domain Name is confusingly similar to the ARCELOR trademark. The first limb of paragraph 4(a) of the Policy is thus established.

B. Rights or Legitimate Interests

There is no evidence before the Panel to suggest that the Respondent is commonly known by the Disputed Domain Name. There is also no evidence to suggest that the Respondent has registered any trademarks or holds unregistered rights to the terms "arcelor" or "arcelorgroup". The Complainant has also confirmed that the Respondent is neither affiliated nor authorised by the Complainant in any way. The Complainant further

confirmed that it had not granted any license or authorisation to make use of the Complainant's ARCELOR trademark, or to apply for registration of the Disputed Domain Name. Accordingly, the Panel is satisfied that the facts present a prima facie case that the Respondent does not have rights or legitimate interests in the Disputed Domain Name.

The Respondent did not file a response to demonstrate any rights or legitimate interests in respect of the Disputed Domain Name and has thus failed to rebut the prima facie case. Therefore, the Complainant has successfully established the second limb of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that certain circumstances, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. In particular, paragraph 4(b)(i) of the Policy states:

"[C]ircumstances indicating that [the respondent has] registered or [the respondent has] 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."

According to section 3.1.1 of the [WIPO Overview 3.0](#), UDRP panels adopt a highly fact-specific inquiry when assessing whether a domain name was registered for the bad faith purpose of selling it to a trademark owner. Potential circumstances that indicate a respondent's intent to register a disputed domain name in bad faith include the respondent's likely knowledge of the complainant's rights, the distinctiveness of the complainant's mark and whether the domain name points to trademark-abusive content. In the present case, the Disputed Domain Name resolves to a page at <juming.com>, displaying a general offer to sell the Disputed Domain Name for CNY 22,868. There is no evidence before the Panel that the Disputed Domain Name was registered for any purpose other than for selling it. In the absence of a response, the Complainant's allegations, supported by the <juming.com> listing, provides a reasonable basis for concluding that the Respondent acquired the Disputed Domain Name primarily for the purpose of selling it for valuable consideration that is far in excess of the typical out-of-pocket costs for registering a domain name. As such, the Panel is convinced that the Disputed Domain Name was indeed registered and is being used in bad faith in accordance with the circumstances outlined in paragraph 4(b)(i) of the Policy.

In light of the aforementioned circumstances, the Panel is of the opinion that the Disputed Domain Name was registered and is being used in bad faith. Therefore, the Complainant has successfully established the third limb 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 <arcelorgroup.com> be transferred to the Complainant.

/Kar Liang Soh/

Kar Liang Soh

Sole Panelist

Date: April 8, 2024