

ADMINISTRATIVE PANEL DECISION

Arcelormittal (SA) v. Whois Privacy Protection Foundation / bill chill
Case No. DCO2022-0035

1. The Parties

The Complainant is Arcelormittal (SA), Luxembourg, represented by Nameshield, France.

The Respondent is Whois Privacy Protection Foundation, the Netherlands / bill chill, Romania.

2. The Domain Name and Registrar

The disputed domain name <arcelormittal-com.co> (the “Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2022. On April 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 2, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 10, 2022, 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 May 10, 2022.

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 May 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 31, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 3, 2022.

The Center appointed Michelle Brownlee as the sole panelist in this matter on June 10, 2022. 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 owns International Registration Number 947686 for the trademark ARCELORMITTAL in connection with goods and services in International Classes 6, 7, 9, 12, 19, 21, 39, 40, 41, and 42, registered on August 3, 2007.

The Domain Name was registered on April 28, 2022. The Domain Name resolves to a parked page of a web hosting provider.

5. Parties' Contentions

A. Complainant

The Complainant states that it is the largest steel producing company in the world and that it is the market leader in steel for use in automotive, construction, household appliances and packaging with 71.5 million tons of crude steel produced in 2020. The Complainant presented evidence that it is the owner of the domain name <arcelormittal.com> and that it operates a website using that domain name.

The Complainant argues that the Domain Name is confusingly similar to its ARCELORMITTAL mark. The Complainant also argues that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith. The Complainant presented evidence that the Domain Name resolves to a parked page of a web hosting provider. The Complainant also provided evidence that the Domain Name has been set up with MX records, which the Complainant contends suggests that the Domain Name is likely to be used in connection with email for bad faith purposes.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of a domain name, a complainant must prove the following three elements:

- (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.

A. Identical or Confusingly Similar

The Complainant has demonstrated that it owns rights in the ARCELORMITTAL trademark. The addition of "-com" in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademark. Under these circumstances, the Panel finds that the Domain Name is confusingly similar to the Complainant's ARCELORMITTAL trademark.

B. Rights or Legitimate Interests

In this case, the Complainant has put forward a *prima facie* case and no evidence has been presented that the Respondent used or made demonstrable preparations to use the Domain Name in connection with a *bona fide* offering of goods or services; that the Respondent is commonly known by the Domain Name; that the Respondent is making a legitimate noncommercial or fair use of the Domain Name; or in any other way refuted the Complainant's *prima facie* case. The Complainant has alleged and provided evidence that the Domain Name resolves to a parked page for a website hosting service provider. The Respondent has not refuted these allegations and evidence. Under the circumstances, there is no basis to find that the Respondent has demonstrated rights to or legitimate interests in the Domain Name. See *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#).

Accordingly, the Panel finds that the Complainant has established this element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that the following circumstances are evidence of registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent has registered or acquired the domain name at issue 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 documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent 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 its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The Complainant's rights in its ARCELORMITTAL trademark predate the registration of the Domain Name by more than 14 years, and the Complainant has presented evidence regarding the well-known nature of its trademark. The Respondent has not refuted the Complainant's allegations and evidence. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.1.4. The Panel finds that the Complainant has established that the Respondent registered the Domain Name in bad faith.

The Domain Name resolves to a parked page for a website hosting service provider. In this case, the totality of the circumstances suggests that the Domain Name is being used in bad faith. The Complainant has presented evidence regarding the well-known nature of its ARCELORMITTAL trademark and its use of the domain name <arcelormittal.com> in connection with its website. The pairing of the Complainant's trademark with "-com" in the Domain Name suggests a likely intent to confuse Internet users into the expectation that they would reach a website operated by the Complainant. The Complainant also presented evidence that the Domain Name has been set up with MX records, which suggests that the Respondent intends to use the Domain Name in connection with email communications. The Respondent has not offered any arguments or provided any evidence to support a finding of actual or contemplated good faith use.

Accordingly, the Panel finds that the Complainant has met its burden of demonstrating bad faith registration and use in this case.

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 Domain Name <arcelormittal-com.co> be transferred to the Complainant.

/Michelle Brownlee/

Michelle Brownlee

Sole Panelist

Date: June 24, 2022