

ADMINISTRATIVE PANEL DECISION

Arcelormittal (SA) v. Whois Privacy Protection Foundation / bill chill
Case No. DCO2022-0038

1. The Parties

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

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

2. The Domain Name and Registrar

The disputed domain name <arcelormittal-international.co> 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 May 6, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 11, 2022, 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 17, 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 18, 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 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 14, 2022.

The Center appointed Dr. Hong Xue as the sole panelist in this matter on June 21, 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 is the largest steel producing company in Europe and in the world. On August 3, 2007, the Complainant registered the word mark "ARCELORMITTAL" with the European Intellectual Property Office (registration number 0947686).

The disputed domain name <arcelormittal-international.co> was registered on May 3, 2022. According to the Complaint, the disputed domain name resolves to a parking page about web hosting services.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name <arcelormittal-international.co> is confusingly similar to its registered trademark ARCELORMITTAL.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <arcelormittal-international.co>.

The Complainant contends that the disputed domain name <arcelormittal-international.co> was registered and is being used in bad faith.

The Complainant requests that the disputed domain name <arcelormittal-international.co> be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Pursuant to the Policy, paragraph 4(a)(i), a complainant must prove that a disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights. In line with such requirement, a complainant must prove its rights in the trademark or service mark and the identity or confusing similarity between the disputed domain name and its trademark or service mark.

The Panel notes that, long before the registration of the disputed domain name <arcelormittal-international.co>, the Complainant had registered the word mark ARCELORMITTAL with the European Intellectual Property Office (registration number 0947686). The Complainant's European Community Trademark registration is valid in all European Union Member States, including Romania where the Respondent resides. The Complainant's trademark rights in ARCELORMITTAL are demonstrated.

The disputed domain name is <arcelormittal-international.co>. Apart from the Colombia Country Code Top-Level Domain ("ccTLD") suffix ".co", the disputed domain name consists of "arcelormittal-international". The Panel notes that the disputed domain name, which incorporates the Complainant's registered word mark ARCELORMITTAL in its entirety, and suffixes a non-distinctive dash mark and the term "international" to the

Complainant's mark ARCELORMITTAL, does not prevent the finding of its confusing similarity with the Complainant's mark, as the Complainant's mark is strikingly recognizable in the disputed domain name. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The disputed domain name <arcelormittal-international.co>, therefore, is confusingly similar with the Complainant's registered mark ARCELORMITTAL. Accordingly, the Panel finds that the Complainant has proven paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant asserts, and provides *prima facie* evidence to demonstrate, that the Respondent has no rights or legitimate interests in the disputed domain name and, as the Respondent did not reply to the Complainant's contentions as stated above, the Respondent does not provide any information to the Panel asserting any rights or legitimate interests it may have in the disputed domain name <arcelormittal-international.co>.

It is apparent from the Complaint that there is no connection between the Respondent and the Complainant or its business. Paragraph 4(c) of the Policy provides a list of circumstances which can demonstrate a respondent's rights or legitimate interests in a domain name. However, there is no evidence before the Panel that any of the situations described in paragraph 4(c) of the Policy apply here. To the contrary, the lack of any Response leads the Panel to draw a negative inference.

Therefore, and also in light of the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name <arcelormittal-international.co>. Accordingly, the Panel finds that the Complainant has proven paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant contends that the Respondent registered and is using the disputed domain name <arcelormittal-international.co> in bad faith. The Respondent did not respond to the Complainant's contention.

According to the registration information of the disputed domain name provided by the Registrar, the Respondent is located in Romania, a Member State of the European Union since January 2, 2007. Given that the Complainant is known as the largest steel manufacturer in Europe and has acquired the Community Trademark ARCELORMITTAL since August 3, 2007, it is highly unlikely the Respondent, a resident of Romania, coincidentally registered the disputed domain name that entirely incorporates the Complainant's mark in 2022. The Panel finds that the Respondent's bad faith in the registration of the disputed domain name has been proven.

The Panel notes that the disputed domain name resolves to a website showcasing the services of "Hostinger", the Registrar. The Panel finds that the Respondent's use of the disputed domain name, which is confusingly similar to the Complainant's mark, is likely to confuse and mislead the Internet users regarding the source, sponsorship, affiliation, or endorsement of the website of the disputed domain or of the web hosting services offered on that website, which constitutes the evidence of the registration and use of the disputed domain name in bad faith, as provided in the Policy, paragraph 4(b)(iv).

Based on the foregoing discoveries, the Panel concludes that the Complainant has successfully proven paragraph 4(a)(iii) 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-international.co>, be transferred to the Complainant.

/Dr. Hong Xue/

Dr. Hong Xue

Sole Panelist

Date: July 1, 2022