

## ADMINISTRATIVE PANEL DECISION

ArcelorMittal v. Sophia  
Case No. D2024-4943

### 1. The Parties

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

The Respondent is Sophia, United States of America (“United States”).

### 2. The Domain Name and Registrar

The disputed domain name <arcel0rmittal.net> is registered with Dominet (HK) Limited (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 29, 2024. On November 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 2, 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 December 3, 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 on December 3, 2024.

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 December 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2024.

The Center appointed Yuri Chumak as the sole panelist in this matter on January 2, 2025. 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 Luxembourg-based company specializing in the production and distribution of steel and steel-related products globally. Established in 2006, the Complainant has grown to become one of the largest steel producers in the world, operating in such industries as automotive, construction, household appliances, and packaging. The Complainant is recognized as one of the leaders in the global steel market, with significant production capabilities, including approximately 58.1 million tons of crude steel manufactured in 2023. The Complainant also maintains substantial raw material supplies and operates extensive distribution networks.

The Complainant has initiated many prior UDRP complaints, reflecting its active enforcement efforts and the frequent targeting of its well-known ARCELORMITTAL trademark by cybersquatters.

The Complainant owns an international trademark registration for the ARCELORMITTAL mark, which forms the basis of its Complaint. This registration, International Registration Number 947686, was registered on August 3, 2007, and has been granted protection in multiple designated countries, including the United States.

The Complainant owns the domain name <arcelormittal.com>, registered on January 27, 2006, which it uses to promote its products, services, and corporate information globally.

The disputed domain name <arcel0rmital.net> was registered on November 28, 2024. The disputed domain name does not resolve to an active website.

The Respondent is based in the United States, as shown in the Whois records.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant asserts that the disputed domain name <arcel0rmital.net> is confusingly similar to its well-known ARCELORMITTAL trademark.

The Complainant asserts that the Respondent is not authorized to use its trademark and has no rights or legitimate interests in the disputed domain name.

The Complainant has provided evidence indicating that the disputed domain name has not been used for any legitimate purpose. Instead, the Complainant contends that the Respondent registered the disputed domain name in bad faith, leveraging the Complainant's well-known trademark to mislead or confuse Internet users. This is further evidenced by the inactive state of the disputed domain name, a characteristic of cybersquatting aimed at exploiting the Complainant's trademark rights.

##### **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The minor variations, including substituting the letter "o" with the digit "0" and omitting the letter "t", constitute typo-squatting. Such misspelling does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9. Accordingly, the disputed domain name is identical or confusingly similar to the mark for the purposes of the Policy.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

There is no evidence that the Respondent is commonly known by the disputed domain name, nor that the disputed domain name is being used in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use.

Further, the inactive state of the disputed domain name does not support any claim of a right or legitimate interest under the circumstances of this case. Moreover, the slight typographical variation of the Complainant's trademark in the disputed domain name suggests an intent to mislead or confuse users, which is incompatible with a right or legitimate interest.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent's actions demonstrate bad faith. For one, the disputed domain name <arcel0rmital.net> is a clear case of typo-squatting of the Complainant's ARCELORMITTAL trademark, substituting "o" with "0" and omitting "t". Such practices are designed to create confusion and divert users as they may not notice the subtle difference between the disputed domain name and the Complainant's trademark. Given the global recognition of the ARCELORMITTAL trademark, the Respondent's registration of a typo-squatted disputed domain name indicates knowledge of and intent to target the Complainant's rights which constitutes registration in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <arcel0rmital.net> be transferred to the Complainant.

*/Yuri Chumak/*

**Yuri Chumak**

Sole Panelist

Date: January 14, 2025