

## **ADMINISTRATIVE PANEL DECISION**

ARCELORMITTAL v. Sophie

Case No. D2025-0901

### **1. The Parties**

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

The Respondent is Sophie, United States of America ("USA").

### **2. The Domain Name and Registrar**

The disputed domain name <garcelor.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 March 5, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 2025, 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 March 12, 2025, 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 March 12, 2025.

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 March 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 10, 2025.

The Center appointed Frank Schoneveld as the sole panelist in this matter on April 14, 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 one of the largest steel producing companies in the world and is a market leader in steel for use in automotive, construction, household appliances and packaging, producing approximately 58 million tons of crude steel in 2023 for customers in 140 countries, and holds sizeable captive supplies of raw materials including operating extensive distribution networks.

The Complainant is the owner of the international trademark ARCELOR with registration number 778212 registered on February 25, 2002.

The Complainant owns numerous domain names that include the same term “Arcelor” as that of the Complainant’s registered international trademark and has used the domain name <arcelor.com> that includes the Complainant’s registered trademark ARCELOR since August 29, 2001.

The disputed domain name was registered on March 2, 2025.

The website to which the disputed domain name resolves includes a copy of the Complainant’s logo that incorporates the Complainant’s registered international trademark ARCELOR. This website has a page for the Internet user to fill out their email and password for (apparent) access to the Complainant’s Internet information systems but which has no connection to the Complainant. In this way the website (to which the disputed domain name resolves) can fraudulently gather its users’ passwords and emails.

The Respondent has not provided a complete address other than the city of Los Angeles in the USA, when registering the disputed domain name.

The Respondent’s name has no similarity to the disputed domain name. The Respondent is not related in any way with the Complainant and the Complainant does not carry out any activity for, nor has any business with, the Respondent. No license or authorization has been granted to the Respondent (a) to make any use of the Complainant’s trademark ARCELOR, or (b) to apply for registration of the disputed domain name.

The Respondent provides no other information and did not respond to the Complaint.

#### **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 considers that the disputed domain name is confusingly similar to its trademark ARCELOR and the obvious misspelling of the Complainant’s trademark ARCELOR (i.e., with the addition of the letter “g”) is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant’s trademark and the disputed domain name, and that previous panels have found that a slight spelling variation does not prevent a domain name from being confusingly similar to the Complainant’s trademark.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, submitting that (a) the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests, and (b) once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name, and (c) if the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

The Complainant argues that the disputed domain name is a typosquatted version of the Complainant's trademark ARCELOR, submitting that typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name.

The Complainant contends that the Complainant's trademark and reputation is distinctive and given this distinctiveness, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. The Complainant asserts that misspelling of its trademark as GARCELOR in the disputed domain name was intentionally designed to be confusingly similar with the Complainant's trademark ARCELOR, and that such action is evidence of bad faith.

The Complainant contends that the disputed domain name resolves to an authentication page reproducing the Complainant's logo and, by using the disputed domain name in this way the Respondent has intentionally attempted to attract, for commercial purposes, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website. The Complainant also submits that the Respondent may collect personal information through this website that reproduces the Complainant's logo, including passwords, and bad faith is characterized where the Respondent makes such use of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

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

The first element of the Policy is that the disputed domain name be identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

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 entirety of the Complainant's registered trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the addition of another letter of the Latin alphabet, here the addition of the letter "g" to the spelling of the Complainant's registered trademark, does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. (cp. [WIPO Overview 3.0](#), section 1.8).

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.

Further, panels have held that the use of a domain name for illegitimate activity (here, the possibility of using the disputed domain name for unauthorized account access/hacking through collection of passwords, and/or impersonation/passing off by using the Complainant's logo on the website to which the disputed domain name resolves, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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 held that the use of a domain name for illegitimate activity (here the potential unauthorized account access and/or the claimed impersonation/passing off by use of the Complainant's logo on the website to which the disputed domain name resolves) so that the Respondent may collect and copy private email addresses of Internet users and their passwords that may allow the Respondent to then fraudulently impersonate an Internet user on the Complainant's website(s) and potentially other websites, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <garcelor.net> be transferred to the Complainant.

*/Frank Schoneveld/*

**Frank Schoneveld**

Sole Panelist

Date: May 5, 2025