

ADMINISTRATIVE PANEL DECISION

ARCELORMITTAL v. c ifeanyichukwu, barzoo healthcare ltd
Case No. D2025-1618

1. The Parties

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

The Respondent is c ifeanyichukwu, barzoo healthcare ltd, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <arcelromittal.com> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2025. On April 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 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 April 25, 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 April 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 22, 2025.

The Center appointed Paula Bezerra de Menezes as the sole panelist in this matter on May 28, 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

According to the amended Complaint and relevant annexes, the Complainant, ARCELORMITTAL, based in Luxembourg, is a company active worldwide that has been manufacturing steel in 15 countries, has customers in 129 countries, and operates extensive distribution networks (Annex 3 of the Complaint).

The Complainant owns a multiclass international trademark n° 947686, ARCELORMITTAL (word mark), encompassing international classes 6, 7, 9, 12, 19, 21, 39, 40, 41 and 42, designating a series of countries, registered on August 3, 2007. This international registration was based on the Complainant's application n° 1135957, of May 25, 2007, registered on June 18, 2007, under n° 824918, at the Benelux Office for Intellectual Property (Annex 4 of the Complaint).

Furthermore, the Complainant owns the domain name <arcelormittal.com>, created on January 27, 2006 (Annex 5 of the Complaint).

The Complainant's trademark and domain name predate the registration of the disputed domain name, which was created on April 18, 2025 (Annex 1 of the Complaint) and resolves to an inactive page indicating it cannot be accessed (Annex 6 of the Complaint). MX servers have been configured (Annex 7 of 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.

Notably, the Complainant contends that the disputed domain name <arcelromittal.com> is an obvious misspelling of its trademark ARCELORMITTAL, with a duplicate letter "r" and reversal of the letters "o" and "r". It further states that this practice characterizes typosquatting intended to create confusion between the Complainant's trademark and the disputed domain name. Therefore, the disputed domain name is confusingly similar to its trademark ARCELORMITTAL and domain name <arcelormittal.com>.

The Complainant also contends that previous panels found that spelling variations on disputed domain names do not prevent a domain name from being confusingly similar to the complainant's trademark and that the addition of the generic Top-Level Domain suffix ".com" does not change the overall impression of the designation as being connected to the trademark ARCELORMITTAL. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain name.

The Complainant alleges that it is required to make out a prima facie case, and consequently the Respondent has the burden to demonstrate its rights or legitimate interests in the disputed domain name. If it fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

The Complainant asserts that the Respondent has no right or legitimate interest in the disputed domain name because:

- 1) The Respondent's name does not coincide with the disputed domain name and past panels found that the Respondent could not be commonly known by a disputed domain name if the Whois information was not similar. The Respondent is not related in any way to the Complainant;
- 2) The Complainant does not carry out any activity for, nor has any business with, the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark ARCELORMITTAL or apply for registration of the disputed domain name by the Complainant;

3) The disputed domain name is a result of deliberate typosquatting for attempting to take advantage of Internet users' typographical errors, and it resolves to an error page, which shows that the Respondent has not used and has no evident intention to use the disputed domain name.

The Complainant cited the *ArcelorMittal SA v. Tina Campbell*, WIPO Case No. [DCO2018-0005](#) in its favor where the panel found that the mark ARCELORMITTAL was so well known internationally that it was inconceivable that the Respondent had registered a domain name similar to or incorporating the mark without knowing it. The Complainant also contends that given its distinctive trademark and its reputation, it would be reasonable to infer that the Respondent knew the ARCELORMITTAL mark when registering the disputed domain name.

The fact that the Respondent registered the misspelled trademark as a domain name shows a deliberate intention to create a domain name confusingly similar to the Complainant's mark.

The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name and that there is no plausible explanation for the misappropriation, but the use for passing off, infringing the consumer legislation or the Complainant's trademark rights. It recited previous UDRP panels that held that the incorporation of a famous mark into a domain name in addition to pointing to an inactive website, might be evidence of bad faith. Additionally, as the disputed domain name had been set up with MX records, it suggested that it might be actively used for email purposes. The Complainant asserts that these facts altogether show that the Respondent has registered the disputed domain name and has been using it in bad faith pursuant to paragraph 4(a)(iii) of the Policy.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, for the transfer of the disputed domain name, notwithstanding the Respondent's default, the Complainant must establish that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Rules determine that if the Respondent does not comply with the time periods established nor any provision or requirements under paragraphs 14 (a) and (b) of the Rules, the Panel shall proceed to a decision on the complaint and draw inferences as it considers appropriate.

Per paragraph 15(a) of the Rules, a Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The Panel has reviewed the case and found the following:

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. Accordingly, the disputed domain name <arcelromittal.com> is confusingly similar to the mark ARCELORMITTAL for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

The above-cited section 1.9 of [WIPO Overview 3.0](#) reads that a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

The Panel finds the first element of the Policy has been established despite the fact that the Respondent has misspelled the Complainant's trademark. See *Arcelormittal v. Fabio Vlad*, WIPO Case No. [D2024-0628](#) (disputed domain name <arcelormittal.com>); *ArcelorMittal (Société Anonyme) v. Name Redacted*, WIPO Case No. [D2020-3457](#) (disputed domain name <arcelormlital.com>).

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.

The Respondent defaulted and has failed to prove (i) before any notice of the dispute, its use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or (ii) being commonly known by the disputed domain name, even if it had acquired no trademark or service mark rights; or (iii) making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Quite the contrary, the disputed domain name pointed to an error page.

Moreover, the Respondent possibly provided the Registrar with a nonexistent address. The inference is due to the fact that on May 7, 2025, when trying to deliver the Written Notice to the Respondent, the courier DHL advised the Center that the postal information was incomplete.

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 found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

The Complainant submitted evidence in the Complaint showing that the Respondent's website at the disputed domain name resolved to an error page.

Having reviewed the available record, the Panel considered the following factors to apply the passive holding doctrine and additional bad faith consideration factors:

- (i) The degree of distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name. Previous panel found the Complainant's mark is well known. See *ArcelorMittal SA v. Tina Campbell*, WIPO Case No. [DCO2018-0005](#) (disputed domain name <arcelormittal.co>).
- (ii) The disputed domain name clearly characterizes a typo of the widely-known mark ARCELORMITTAL;
- (iii) The failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use;
- (iv) The Respondent appeared to use a "bad address" (as such classified by DHL);
- (v) The disputed domain name was set up with MX (mail exchange) records (Annex 7 of the Complaint), indicating it may be actively used; and
- (vi) The implausibility of any good faith use to which the disputed domain name may be put.

Given the above, the Panel 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, as already decided in previous UDRP cases. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

Finally, it is unlikely that the Respondent could have come up with the disputed domain name <arcelromittal.com> had it not known of the Complainant's company, and its respective trademark rights.

The Panel finds such behavior to constitute bad faith registration and use of the disputed domain name under the Policy. Thus, 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 <arcelromittal.com> be transferred to the Complainant.

/Paula Bezerra de Menezes/

Paula Bezerra de Menezes

Sole Panelist

Date: June 11, 2025