

## **ADMINISTRATIVE PANEL DECISION**

ArcelorMittal v. R EDWARD dave, arcelormittalcom.com

Case No. D2025-1646

### **1. The Parties**

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

The Respondent is R EDWARD dave, arcelormittalcom.com, United States of America.

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

The disputed domain name <arcelormittalcom.com> is registered with Squarespace Domains II LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 25, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 28, 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 (REDACTED FOR PRIVACY, arcelormittalcom.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 29, 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 29, 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 21, 2025.

The Center appointed Ugur G. Yalçiner as the sole panelist in this matter on June 18, 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 world's largest steel companies, specializing in steel production for automotive, construction, household appliances and packaging sectors, with 57.9 million tons of crude steel produced in 2024.

The Complainant is the owner of the International trademark registration no 947686 ARCELORMITTAL registered on August 3, 2007.

The Complainant also owns the domain name <arcelormittal.com>, registered on January 27, 2006.

The disputed domain name was registered on April 23, 2025. At the time the Complaint was filed, the disputed domain name resolved to an "under construction" page; however, as of the date of this Decision, it no longer resolves to any website.

#### **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.

##### **(i) Identical or Confusingly Similar**

The Complainant asserts that the disputed domain name is confusingly similar to its registered trademark ARCELORMITTAL and its domain names associated, the addition of the term "com" does not prevent a finding that the disputed domain name is confusingly similar to the trademark ARCELORMITTAL, it does not change the overall impression of the designation as being connected to the Complainant's trademark. The Complainant further argues that the inclusion of the generic Top-Level Domain ".com" is irrelevant in assessing confusing similarity.

##### **(ii) Rights or legitimate interests**

The Complainant contends that the Whois data identifies the Respondent as "arcelormittalcom.com", yet no registered entity exists under this name at the listed address, which, according to the Complainant, indicates an intent to reinforce confusion. The Complainant further asserts that the Respondent has no rights or legitimate interests in the disputed domain name, as the Respondent is not affiliated with the Complainant and has not been authorized or licensed to use the ARCELORMITTAL trademark. Moreover, the disputed domain name resolves to a parking page and has not been used for any bona fide offering of goods or services, nor is there any demonstrable plan to use it.

##### **(iii) Registration and Use in Bad Faith**

The Complainant alleges that the disputed domain name is confusingly similar to its well-known and distinctive trademark ARCELORMITTAL and given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent registered the disputed domain name with knowledge of the Complainant's trademark.

The Complainant asserts that the disputed domain currently resolves to a parking page and shows no legitimate activity, there is no plausible good faith use the Respondent could make of the domain, and that passive holding of a domain name incorporating a well-known mark constitutes evidence of bad faith. Additionally, the disputed domain name is configured with active MX records, suggesting possible email use, which reinforces the risk of abuse. On these grounds, the Complainant submits that the disputed domain name was registered and is being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three elements are present:

- (i) the disputed domain name registered by the Respondent 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.

### **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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel is satisfied that the Complainant is the owner of ARCELORMITTAL through registration in several jurisdictions.

The disputed domain name incorporates the Complainant's trademark ARCELORMITTAL, with the additional term "com", which is a non-distinctive element closely resembling the ".com" generic Top-Level Domain ("gTLD") itself. In this regard, the Panel considers mere addition of the term "com" does not prevent the confusing similarity with the Complainant's trademark, as the Complainant's ARCELORMITTAL trademark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

It is an accepted principle that gTLDs, in this case ".com", are to be typically disregarded in the consideration of the issue of whether a domain name is identical or confusingly similar to a complainant's trademark. Disregarding the gTLD ".com", the Panel notes that the disputed domain name is confusingly similar to the Complainant's trademark.

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark and that the requirements in paragraph 4(a)(i) of the Policy are fulfilled.

### **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 names such as those enumerated in the Policy or otherwise.

The Panel notes that the Respondent does not have any registered trademarks or trade names, and no license or authorization of any other kind has been given to the Respondent by the Complainant to use its registered trademark.

According to the documents submitted by the Complainant, the disputed domain name resolves to a passive holding page displaying only a generic “under construction” message, with no active content, commercial use, or evidence of a bona fide offering of goods or services. Furthermore, there is no indication that the Respondent is commonly known by the disputed domain name. While the Respondent is identified in the Whois records as “arcelormittalcom.com”, a name that reflects the disputed domain name, this choice appears intended to reinforce a false association with the Complainant’s trademark.

As a result, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and the requirements of paragraph 4(a)(ii) of the Policy are therefore fulfilled by the Complainant.

### **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 is satisfied with the relevant evidence filed by the Complainant showing that it owns trademark rights for ARCELORMITTAL, which has been registered and used for many years prior to the registration of the disputed domain name and the Panel confirms the Complainant’s trademark ARCELORMITTAL is well-known around the world.

The Panel is of the opinion that it is implausible for the Respondent to be unaware of the Complainant and its well-known trademark when the disputed domain name was registered, and the Respondent’s aim of the registration was to take an unfair advantage of the Complainant’s trademark. The addition of the term “com” to the Complainant’s trademark reinforces the impression that the disputed domain name is affiliated with or owned by the Complainant. Several UDRP panels have held that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Respondent has made no active use of the disputed domain name. However, non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding as established in [WIPO Overview 3.0](#), section 3.3. The Panel has evaluated all the circumstances in this respect, specifically (i) the distinctiveness and well-known character of the Complainant’s trademark; (ii) the intention of the Respondent to create a likelihood of confusion with the Complainant’s trademark; (iii) the lack of evidence

proving any actual or contemplated good-faith use or any rights or legitimate interests of the Respondent in the disputed domain name; and (iv) the implausibility of any good faith use to which the domain name may be put.

Having considered all the facts in this case, the Panel finds that the Complainant has sustained its burden of proof in showing that the disputed domain name was registered and being used in bad faith.

## **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 <arcelormittalcom.com> be transferred to the Complainant.

*/Ugur G. Yalçiner/*

**Ugur G. Yalçiner**

Sole Panelist

Date: July 2, 2025