

## **ADMINISTRATIVE PANEL DECISION**

Arcelormittal v. Ruben Puerto

Case No. D2025-2916

### **1. The Parties**

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

The Respondent is Ruben Puerto, Colombia, self-represented.

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

The disputed domain name <arcelgroup.com> is registered with Squarespace Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 23, 2025. On July 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 4, 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 August 5, 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 August 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2025. The Response was filed with the Center on August 5, 2025. On August 7, 2025, the Center confirmed the receipt of the Response and informed the Parties of the commencement of the panel appointment process.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on September 1, 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 one of the market leaders in steel for use in automotive, construction, household appliances and packaging with 57.9 million tons of crude steel made in 2024. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant is the owner of International Registered Trademark Number 778212 for the word mark ARCELOR, registered on February 25, 2002, in Classes 1, 6, 7, 9, 12, 37, 40, and 42, designated in respect of some 28 countries. The Complainant also owns a domain name portfolio which includes domain names using the term “arcelor”, such as, for example, <arcelor.com>, registered and used since August 29, 2001.

The disputed domain name was registered on June 9, 2025, and according to the Complainant’s screenshot dated July 22, 2025, this resolves to a single page website listing the disputed domain name in the center of the screen, followed by the statement “We’re under construction. Please check back for an update soon” at the foot of the screen. Little is known of the Respondent other than that it appears to be a private individual with an address in Sabaneta, Colombia.

#### **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 is confusingly similar to its trademark because the deletion of the letters “or” and the addition of the term “group” is insufficient to escape such a finding, as it does not change the overall impression of the designation as being connected to the Complainant’s trademark, noting that a domain name that wholly incorporates a complainant’s registered trademark may be sufficient to establish confusing similarity. The Complainant adds that the suffix of the disputed domain name does not change the overall impression of the designation or prevent the likelihood of confusion between the disputed domain name and the Complainant’s trademark.

The Complainant contends that the Respondent is not identified as the disputed domain name, whereby it could not be considered to be commonly known thereby, adding that the Respondent is not related in any way to the Complainant, and that the Complainant does not carry out any activity for, nor has any business with it. The Complainant contends that neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s said trademark, or to register the disputed domain name.

The Complainant submits that as the disputed domain name resolves to a website under construction, and the Respondent has made no use of it since its registration, the Respondent has no demonstrable plans to use it, thus demonstrating a lack of legitimate interests in the disputed domain name.

The Complainant contends that its trademark ARCELOR is widely known and has been affirmed as such by several previous panels under the Policy, so that bearing in mind the distinctiveness and reputation of the Complainant’s mark it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of such mark. The Complainant submits that the Respondent has not demonstrated any activity in respect of the disputed domain name whereby it would be possible to conceive of any plausible

actual or contemplated active use thereof by the Respondent that would not be illegitimate, such as by constituting passing off, an infringement of consumer protection legislation, an infringement of the Complainant's rights under trademark law, or an attempt to attract, for commercial gain, Internet users to the website associated with the disputed domain name by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation or endorsement of the Respondent's website. The Complainant adds that it has been held by previous panels under the Policy that the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use within the meaning of the Policy.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name, and it requests that the Panel find no evidence of bad faith registration or use, recognize the Respondent's legitimate interests in the disputed domain name, and dismiss the Complaint.

Notably, the Respondent submits that the disputed domain name was registered in good faith for a legitimate and lawful family investment project that is entirely unrelated to the Complainant's business activities, namely a private equity fund platform designed to manage privately owned investment ventures, confined to private investments in diversified sectors which are entirely distinct from the industries in which the Complainant operates. The Respondent asserts that the name "Arcel Group" was chosen "because it reflects the identity and vision of this personal project", adding that at no point was there any intention to compete with, or mislead, regarding the Complainant.

The Respondent adds that the disputed domain name has never been used to divert Internet traffic, solicit customers or derive any benefit from the Complainant's brand equity, has never been offered for sale either to the Complainant or to any third party, has not been used to interfere with, disrupt or dilute the Complainant's business. The Respondent notes that there exists no pattern of domain name registrations on its part that would indicate any bad faith behavior.

The Respondent contends that although the disputed domain name contains the term "arcel", its inclusion is incidental, unrelated to any reference to the Complainant, and was registered independently without prior knowledge of or reference to the Complainant's trademarks. The Respondent repeats that the intended use of the disputed domain name is exclusively within a private family business initiative, bearing no association with the Complainant's line of business, and adding that the Respondent has acted in good faith, taking steps to develop plans for a legitimate website and branding for its private equity project, grounded in the alignment between the disputed domain name and its personal bona fide business venture, there being no attempt to gain commercial advantage by associating with the Complainant's trademark.

The Response is concluded with a declaration under penalty of perjury that the information provided in the Response is true and accurate to the best of the Respondent's knowledge and belief. After the Respondent's signature, the Response concludes with the question, "Would you like me to draft the Declaration of Truth (signed statement format) next?"

## **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 entirety of the Complainant's ARCELOR mark is not included in the disputed domain name. However, the first five letters (and first two syllables) of each are identical. The Panel is satisfied that these five letters, taken together in the correct alphanumeric order, constitute a dominant portion of the Complainant's mark. While each case is judged on its own merits, in cases where at least a dominant feature of the relevant mark is recognizable in the domain name concerned, that domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the mark is recognizable 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.

Although the addition of other terms, here, the word "group" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The domain name generic Top-Level Domain may likewise be disregarded for the purposes of comparison as is customary in cases under the Policy. [WIPO Overview 3.0](#), section 1.11.1.

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, based upon its assertions that the Respondent could not be considered to be commonly known by the disputed domain name, that the Respondent is not related in any way to the Complainant, that the Complainant does not carry out any activity for, nor has any business with the Respondent, that neither license nor authorization has been granted to the Respondent to make any use of the Complainant's said trademark or to register the disputed domain name, and that the Respondent has no demonstrable plans to use the disputed domain name. It is also of significance that the disputed domain name contains a dominant portion of the Complainant's ARCELOR mark, as discussed in the previous section, and that such mark has been found to be well-known by previous panels under the Policy.

The Panel therefore turns to the Respondent's case in rebuttal. The essence of this is that the Respondent registered the disputed domain name without knowledge of or reference to the Complainant's trademark, for use with a private equity fund platform designed to manage privately owned investment ventures confined to private investments in diversified sectors, which are entirely distinct from the Complainant's industries. If such a case were to be made out convincingly on the record before the Panel, it could potentially amount to preparations to use the disputed domain name or a corresponding name in connection with a bona fide

offering of goods or services before notice to the Respondent of the dispute, conform to paragraph 4(c)(i) of the Policy.

There are, however, a number of issues that the Panel considers are fatal to the Respondent's case on this issue. First, the wording of paragraph 4(c)(i) of the Policy calls for "use of, or demonstrable preparations to use", the disputed domain name. There is no present use of the disputed domain name, leaving the Respondent requiring to produce "demonstrable preparations" in line with its assertions. The Panel regards this phrase as requiring a respondent relying upon it to produce "evidence of preparations that are capable of demonstration". The problem for the Respondent's case is that it has set forth no evidence of any kind relating to its alleged preparations to use the disputed domain name, leaving this as a mere assertion, and raising a real question as to whether its submissions on this topic are genuine. Notably, the Panel observes that anyone engaged in setting up a private equity fund platform designed to manage privately owned investment ventures would typically be able to produce at least some independent evidence of such, especially after two months have passed since the Respondent registered the disputed domain name. While not an exhaustive list, the Panel might have expected to see communications to this effect with professional advisers, such as accountants, lawyers, registered financial advisers, or financial conduct authorities, perhaps some evidence of discussions or deliberations as to the choice of name for the vehicle, and possibly evidence of the creation of a suitable corporate entity matching the name of the disputed domain name. In any event, evidence generally pointing to a lack of indicia of cybersquatting intent is required, being at minimum, clear contemporaneous evidence of bona fide pre-complaint preparations. [WIPO Overview 3.0](#), section 2.2. Here, there is nothing for the Panel to go on, and it cannot accept the Respondent's assertions in an evidentiary vacuum.

Secondly, the motivation for the Respondent's choice of the disputed domain name is somewhat open to question. The Respondent does not explain what the nexus is between the term "arcel" and its proposed private family business initiative. How and why did the Respondent choose this particular combination of letters? The Panel is not told, and most notably in the context of a claimed use for a family business, it does not match the surname of the Respondent. Furthermore, the choice of the word "group" in the disputed domain name calls for an explanation. It implies that a corporate group structure is proposed for the Respondent's project. While it is not wholly beyond the bounds of probability that a group structure could be contemplated for the Respondent's alleged project, it does seem to be an unlikely choice for the name of a family investment vehicle, and, crucially, the Respondent does not explain its thinking here or produce any evidence to explain this. On the whole, therefore, the Respondent's case on this element appears superficial, unconvincing, and crucially, lacking in any supporting evidence.

On the other side of the balance, there is the fact that the disputed domain name matches a dominant portion of the Complainant's mark, which mark is established on the record to be widely-used and well-known. The Complainant is a multinational organization and a very substantial corporate concern, no doubt with a group structure whereby the term "arcel" and "group" in the disputed domain name would easily be confused with and suggest affiliation to or endorsement by the Complainant.

On the balance of probabilities, therefore, the Panel finds that the Respondent's limited and unconvincing explanation for its choice of the disputed domain name, and the lack of supporting evidence, means that its assertions are more probably than not pretextual. In these circumstances, 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 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 asserts that it registered the disputed domain name for a private family investment vehicle, and that at present there is no website associated with the disputed domain name beyond a holding page. 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. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3.

Taking these considerations in turn, it is established on the present record that the Complainant’s ARCELOR mark is distinctive and has a substantial reputation. A dominant portion of the relevant mark is reproduced in the disputed domain name. While the Respondent has submitted a Response, as discussed in the preceding section, it has failed to provide any evidence of actual or contemplated good-faith use, and has relied upon unconvincing assertions. There is no evidence that the Respondent has concealed its identity (at least in the sense that its details were revealed by the Registrar, and as far as the Panel knows there was no concealment of the underlying registrant). As stated in the preceding section, while the Respondent’s proposed use of the disputed domain name is not wholly implausible, there are a number of issues arising that strongly suggest that it may be pretextual.

Bringing the totality of the circumstances in this case together, the Panel is satisfied that the Complainant has demonstrated on the balance of probabilities that the disputed domain name was more probably than not registered and used in bad faith. The Respondent’s explanation for such registration and use is unconvincing, notably because it is unaccompanied by any independent evidence relating to the alleged purpose for which the Respondent says that it registered the disputed domain name.

Before leaving this topic, the Panel wishes to make an observation regarding the presence of what appears to be a typical follow-on prompt from a generative artificial intelligence (“AI”) tool at the end of the Response, as more particularly described in the factual background section above. The Panel does not know for certain whether the Respondent has submitted a Response that has been created by a large language model (“LLM”), being a form of generative AI, although the presence of the follow-on prompt which the Respondent appears to have inadvertently included at the end of its submission does suggest this. Likewise, the use of an LLM is indicated to some degree by the style and content of the Response, notably the fact it is markedly superficial and lacking in details that could be described as having the ring of truth to them. If an LLM has been used here, the Panel notes that it has not seen the prompts provided by the Respondent which caused the Response to be generated. These would have been enlightening to the Panel.

The Panel notes that, however useful they may be, such tools may complement but are not a substitute for professional advice, or, for that matter, a party’s honest and genuine attempt to set out its position in its own words. While LLMs might be a convenient aid in drafting what appears on the surface to be a professionally supported pleading, they may not necessarily deliver what the party wants and should be thoroughly reviewed before use. For example, it is widely accepted that LLMs can have a tendency to invent details to fit the prompt which they are given, commonly called “hallucinations”. Accordingly, a suggestion, such as that in the present case, that a respondent may have used an LLM to generate its response is unlikely to inspire confidence with this Panel as to the veracity of its content, unless the Panel could also see what prompted the text to be generated and is moreover satisfied that it has been reviewed for accuracy and truth before its submission. When the assertions supplied are also devoid of supporting evidence, as in the present case, this lack of confidence in the pleading concerned is likely to be more marked – ultimately this hurts the case being made by the asserting party (here, the Respondent).

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 <arcelgroup.com> be transferred to the Complainant.

*/Andrew D. S. Lothian/*

**Andrew D. S. Lothian**

Sole Panelist

Date: September 10, 2025