

ADMINISTRATIVE PANEL DECISION

ARCELORMITTAL v. zafiro ruby

Case No. D2025-3865

1. The Parties

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

The Respondent is zafiro ruby, Portugal.

2. The Domain Name and Registrar

The disputed domain name <mittalacero.com> is registered with DreamHost, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 23, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Proxy Protection LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 September 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 September 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2025. A third party sent two email communications to the Center on September 26 and 29, 2025. The Center commenced the panel appointment process on October 24, 2025.

The Center appointed María Alejandra López García as the sole panelist in this matter on October 29, 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, with 57.9 million tons crude steel made in 2024. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant has operations in Africa, Europe, North and South America, and Asia, with primary steelmaking facilities in 15 countries, and an industrial presence in 59. As of December 31, 2024, the Complainant had approximately 125,400 employees globally.

The Complainant owns, among many others, the following trademarks:

- European Union trademark for MITTAL (word mark), Reg. No. 3975786 registered on December 1, 2005, in force until August 9, 2034, in International Classes (“ICs”) 6 and 40; and
- International trademark for MITTAL (word mark), Reg. No. 1198046 registered on December 5, 2013, in force until December 5, 2033; in ICs 6 and 40.

The Complainant also owns a relevant domain name portfolio containing the wording MITTAL, such as the domain name <mittalsteel.com> registered since January 3, 2003.

The disputed domain name was registered on September 18, 2025, and by the time of filing the Complaint resolved to a parking page displaying the Complainant’s trademark ARCELORMITTAL; shortly after changed and resolved into a website similar to the Complainant’s, with content in the Spanish language. Currently, the disputed domain name resolves to an inactive website. The Mail Exchange (MX) servers are configured.

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 in summary that the disputed domain name is confusingly similar to its trademark MITTAL, which is included in its entirety; that the addition of the term “acero” (meaning “steel” in Portuguese, referring to the Complainant’s activities) is not sufficient to escape the finding that the disputed domain name is confusingly similar to the MITTAL trademark.

The Complainant contends, concerning the second element of the Policy, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, given that the Respondent is not commonly known by the term “mittalacero.com”; that the Respondent is not related in any way with the Complainant; that neither license nor authorization has been granted to the Respondent by the Complainant to make any use of the Complainant’s trademarks, or to apply for registration of the disputed domain name; and that the use of the disputed domain name for a parked website displaying the Complainant’s trademark ARCELORMITTAL, and subsequently for a website purporting to offer competing steel products under the

Complainant's name and logo, confirms that the Respondent has no demonstrable plan to use the disputed domain name.

Regarding the third element of the Policy, the Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith, given that the disputed domain name is confusingly similar to its well-known trademark MITTAL; that, given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of it; that besides initial use of the disputed domain name for a parking page displaying one of the Complainant's trademarks, the Respondent has not demonstrated any activity in respect of the disputed domain name, and that it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law; 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. Finally, the Complainant contends that the configuration of the MX servers suggests that the disputed domain name may be actively used for email purposes.

B. Respondent

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

The Panel notes that a peculiar fact marked this case: the respondent's act of impersonation was confirmed.

As described in Section 3, the Complaint was notified on September 25, 2025. On September 26, 2025, following the effective delivery of the Written Notice by courier, in accordance with paragraph 2(a)(i) of the Rules, the Center was contacted by a representative of a Company's IT Department (the "Third Party"), whose contact details appeared in the registrant information for the disputed domain name. Accordingly, on September 29, 2025, the Center requested the Third Party to clarify its relationship and/or connection with the Respondent. On September 29, 2025, the Third Party replied as follows:

"Dear WIPO Arbitration and Mediation Center,

We are writing on behalf of [Name Redacted¹].

We have received your Written Notice regarding Case No. D2025-3865 concerning the domain name <mittalacero.com>.

We would like to clarify that [Name Redacted] has no ownership, control, or any relation whatsoever to the domain <mittalacero.com>. It appears that our company details were incorrectly or fraudulently listed in the WHOIS information for this domain.

Accordingly, we kindly request that you update your records to reflect that [Name Redacted] is not the registrant or responsible party for <mittalacero.com>, and that future communications regarding this case be directed to the actual domain holder.

Please confirm receipt of this clarification."

The Panel notes that the Respondent has made use of a proxy service. While such a service can be employed for legitimate purposes under the Policy (see *DispatchHealth Management, LLC v. Anonymize, Inc.*, WIPO Case No. [D2023-4486](#)), its use in this case proved to be the opposite.

¹ Name Redacted as requested by the Third Party.

The Panel finds that the Respondent has made use of personal data (specifically, a third party's address details) without authorization and in an ambiguous manner when registering the disputed domain name. In doing so, the Respondent has breached the Domain Name Registration Terms with the concerned Registrar and committed an act of impersonation. These combined actions can only emphasize the third element of the Policy.

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must satisfy each of the three following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

As described under Section 5B, no Response or any kind of communication has been submitted by the Respondent, despite the opportunity given by the Center to present its case in accordance with paragraph 2(a) of the Rules. Therefore, this Panel shall decide this dispute based on paragraph 15(a) of the Rules and will analyze the evidence submitted by the Complainant on the "balance of probabilities" or "preponderance of the evidence" standard. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2.

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 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 MITTAL 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 as "acero" 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.

In relation to the generic Top-Level Domain ".com", it is well established that such element may typically be disregarded when it is used as a technical requirement of a domain name. [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. 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.

According to the evidence provided by the Complainant, the Panel finds that the use given by the Respondent to the disputed domain name certainly sought to mimic the Complainant’s official website and reproduced the Complainant’s well-known trademark along the entire website.

Panels have held that the use of a domain name for illegal activity (here, claimed as impersonation/passing off, 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.

Given the nature of the disputed domain name formed by the Complainant’s worldwide well-known trademark MITTAL and the (also in Spanish) term “acero” (meaning “steel”), directly linked with the Complainant’s main business activity, to this Panel is clear that the Respondent was fully aware of the Complainant, at the time of its registration, and used it to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement as set out in paragraph 4b(iv) of the Policy. See also, [WIPO Overview 3.0](#), section 3.2.2.

The Panel notes that in this case, the Respondent has engaged in unlawful conduct at every stage, namely the selection, registration, and use of the disputed domain name, including the setup of the MX records.

Panels have held that the use of a domain name for illegal activity (here, claimed as impersonation/passing off, or other types of fraud) 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 <mittalacero.com> be transferred to the Complainant.

/María Alejandra López García/

María Alejandra López García

Sole Panelist

Date: November 12, 2025