

## ADMINISTRATIVE PANEL DECISION

ARCELORMITTAL v. Aaron Garland

Case No. D2025-4927

### 1. The Parties

1.1. The Complainant is ARCELORMITTAL, Luxembourg, represented by Nameshield, France (the "Complainant").

1.2. The Respondent is Aaron Garland, United States of America (the "Respondent").

### 2. The Domain Name and Registrar

2.1. The disputed domain name <arcelormittalbrazil.com> (the "Disputed Domain Name") is registered with Squarespace Domains LLC (the "Registrar").

### 3. Procedural History

3.1. The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 26, 2025. On November 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 26, 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 November 28, 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 December 1, 2025.

3.2. 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").

3.3. In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 23, 2025.

3.4. The Center appointed Ike Ehiribe as the sole panelist in this matter on January 2, 2026. 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**

4.1. The Complainant in this proceeding is ARCELORMITTAL, a company based in Luxembourg. It is described as one of the largest steel producing companies in the world and one of the market leaders in steel for use in automotive, construction, household appliances and packaging with 57.9 million tons crude steel made in 2024. The Complainant also holds a massive range of raw materials and operates an extensive distribution network around the world. The Complainant is the owner of the International trademark registration No. 947686 for ARCELORMITTAL, registered since August 3, 2007. The Complainant also owns a domain name portfolio including the domain name <arcelormittal.com>, registered since January 27, 2006.

4.2. The Respondent according to the Whois database is Aaron Garland with a listed address in the United States of America. The Disputed Domain Name was registered on November 24, 2025, by the Respondent. The Disputed Domain Name resolves to a website under construction.

#### **5. Parties' Contentions**

##### **A. Complainant**

5.1. 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 as the Complainant's trademark ARCELORMITTAL is reproduced in the Disputed Domain Name. It is asserted that the addition of the term "brazil" to the Disputed Domain Name is not sufficient to prevent a confusing similarity finding as it does not change the overall impression of being connected to the Complainant's trademark. See *Dr. Ing.h.c. F Porsche AG. v. Vasily Terkin*, WIPO Case No. [D2003-0888](#). It is also submitted that previous UDRP panels have held that slight spelling variations do not prevent a domain name from being confusingly similar to a complainant's trademark. See in this regard, *ArcelorMittal (Société Anonyme) v. Name Redacted*, WIPO Case No. [D2020-3457](#). Furthermore, the Complainant submits that the mere addition of the generic Top-Level Domain ("gTLD") ".com" to the Disputed Domain Name does not prevent a finding of confusing similarity in accordance with [WIPO Overview 3.0](#), section 1.11.1, which recognizes that the applicable Top-Level Domain in a domain name is normally viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

5.2. The Complainant also asserts that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in that the Respondent is not commonly known by the Disputed Domain Name since the Respondent's name does not show in the Whois database. The Complainant states further that the Respondent has not been granted any license or authorisation to make use of the Complainant's trademark or apply for registration of the Disputed Domain Name and neither is the Respondent in any way related to the Complainant nor is there any business relationship with the Complainant. The Complainant submits that since the Disputed Domain Name resolves to a website under construction and since the Respondent has not made any use of the Disputed Domain Name since registration these factors are in effect a clear indication of a lack of rights and legitimate interests in respect of the Disputed Domain Name. Reliance is placed on a number of previous UDRP decisions including *Boeing Co. v. Bressi*, WIPO Case No. [D2000-1164](#). The Complainant further contends that in line with *Croatia Airlines d.d. v. Modern Empire Internet Ltd*, WIPO Case No. [D2003-0455](#), the Respondent bears the burden of producing evidence demonstrating rights or legitimate interests in the Disputed Domain Name once the Complainant has made out a prima

facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and where the Respondent fails to do so the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

5.3. With regards to bad faith use, the Complainant submits that given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent registered the Disputed Domain Name with full knowledge of the Complainant's trademark. See *ArcelorMittal SA v. Tina Campbell*, WIPO Case No. [DCO2018-0005](#). Secondly, it is contended that since the Disputed Domain Name resolves to a website under construction and the Respondent has not engaged in any activity in respect of the Disputed Domain Name since registration, it is impossible to conceive of any plausible activity that the Respondent could engage in that would not be illegitimate such as by engaging in passing off activity, 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 its own website, by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation or endorsement of the Respondent's website. Thirdly, it is submitted in line with previous UDRP decisions that the incorporation of a famous trademark into a domain name coupled with an inactive website may be evidence of bad faith registration and use. See for instance *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) amongst other decisions. Finally, reference is made to the fact that the Disputed Domain Name has been set up with Mail Exchange ("MX") records, which suggests that it may be actively used for email purposes.

## **B. Respondent**

5.4. The Respondent did not reply to the Complainant's contentions and therefore the Panel shall draw such adverse inferences from the Respondent's failure to respond as may be deemed appropriate.

## **6. Discussion and Findings**

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

6.1. 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.

6.2. The Complainant has undoubtedly shown worldwide extensive rights in respect of the ARCELORMITTAL trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

6.3. The entirety of the Complainant's trademark ARCELORMITTAL is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

6.4. Although, the addition of other terms such as "brazil" may bear on the assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

6.5. The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

6.6. 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.

6.7. 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 disputed 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.

6.8. 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.

6.9. The Panel considers that the composition of the Disputed Domain Name, consisting of the entirety of the Complainant’s well-known trademark with the addition of the geographical term “brazil”, creates a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

6.10. 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.

6.11. In the present case, the Panel notes that the Respondent registered the Disputed Domain Name on November 24, 2025, several years after the Complainant’s registration of its International trademark registration since August 2007. Thus, the Panel finds that the Respondent likely had knowledge of the Complainant’s well-known ARCELORMITTAL trademark when it registered the Disputed Domain Name considering that a simple online search of the terms “arcelormittal” and/or “arcelormittalbrazil” reveal in the top search results the Complainant and its business.

6.12. 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.

6.13. 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. Having reviewed the record, the Panel notes the distinctiveness and reputation of the Complainant’s trademark, and the composition of the Disputed Domain Name, and 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. The Panel further notes the MX servers connected to the Disputed Domain Name which suggests that the Disputed Domain Name may be actively used for email purposes by the Respondent.

6.14. The Panel finds that the Complainant has established the third element of the Policy.

## **7. Decision**

7.1. 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 <arcelormittalbrazil.com> be transferred to the Complainant.

*Ike Ehiribe*

**Ike Ehiribe**

Sole Panelist

Date: January 16, 2026