

## **ADMINISTRATIVE PANEL DECISION**

Arcelormittal v. Aaron Garland, 607 9th ave  
Case No. D2025-5036

### **1. The Parties**

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

The Respondent is Aaron Garland, 607 9th ave, United States of America ("United States").

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

The disputed domain name <arcelormlitalbr.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 December 4, 2025. On December 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 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 December 5, 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 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 December 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 30, 2025.

The Center appointed Manuel Wegrostek as the sole panelist in this matter on January 7, 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**

The Complainant is a worldwide operating, major steel producing company and 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.

The Complainant is the owner of trademarks for ARCELORMITTAL ("ARCELORMITTAL Trademark"), including:

- Benelux Trademark Registration ARCELORMITTAL No. 824918, registered on June 18, 2007, in classes 6, 7, 9, 12, 19, 21, 39, 40, 41, and 42; and
- International Trademark Registration ARCELORMITTAL No. 947686, registered on August 3, 2007, in classes 6, 7, 9, 12, 19, 21, 39, 40, 41, and 42, designated for, inter alia, the European Union, United States, Australia, and China.

The Complainant is also the owner of various domain names including the ARCELORMITTAL Trademark, such as the domain name <arcelormittal.com>.

The disputed domain name was registered on December 2, 2025. At the time of the Decision and when the Complaint was filed, the disputed domain name resolved to a website under construction.

#### **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.

On the first element of the Policy, the Complainant claims that the disputed domain name is confusingly similar to the ARCELORMITTAL Trademark. The only difference between the disputed domain name and the ARCELORMITTAL Trademark is the misspelling by substitution of the letter "I" by the letter "L" in the term ARCELORMITTAL and the addition of the country code "BR". This is not sufficient to dispel the similarity between the ARCELORMITTAL Trademark and the disputed domain name.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not related in any way with the Complainant and 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 ARCELORMITTAL Trademark, or apply for registration of the disputed domain name, by the Complainant. Furthermore, the disputed domain name resolves to a website under construction which underlines the fact that the Respondent has no interest in making use of the disputed domain name.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. Given the distinctiveness of the ARCELORMITTAL Trademark and the Complainant's reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the ARCELORMITTAL Trademark. Furthermore, the disputed domain name resolves to a website under construction. The Respondent has not demonstrated any activity in respect of

the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a 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 his own website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website. Finally, MX servers are configured, which suggests that the disputed domain name may be actively used for fraudulent email schemes.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules requires that the Panel's decision be made "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true (see section 4.3 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")).

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint with respect to the disputed domain name, namely 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.

### **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 applicable Top-Level Domain in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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. [WIPO Overview 3.0](#), section 1.9. The disputed domain name contains the ARCELORMITTAL Trademark in its entirety, with the only difference of the replacement of the letter "I" with "L", as well as the addition of the letters "BR". The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise), in this case the letters "BR", does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8.

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.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the ARCELORMITTAL Trademark. The Panel finds that there are no indications on record that the Respondent is commonly known by the disputed domain name or otherwise has any rights or legitimate interests in the disputed domain name. Further, the disputed domain name is not used for a bona fide offering of goods or services.

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 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.

Panels have consistently found 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.

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.

In the present case, the disputed domain name incorporates the ARCELORMITTAL Trademark in its entirety, with the only difference of the replacement of the letter “I” with “L”, as well as the addition of the letters “BR” which may stand for Brazil; and the ARCELORMITTAL Trademark was registered long before the registration of the disputed domain name. Internet users may think the disputed domain name is connected to the Complainant and would resolve to a website related to the Complainant.

At the time of this Decision and at the time the Complaint was filed, the disputed domain name has not resolved to any active webpage which does not prevent a finding of bad faith. From the inception of the UDRP, 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. While panels 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.

Having reviewed the available record, the Panel notes the distinctiveness of the ARCELORMITTAL Trademark, the composition of the disputed domain name, containing the ARCELORMITTAL Trademark in its entirety, with the only difference of the replacement of the letter “I” with “L”, as well as the addition of the letters “BR” which may stand for Brazil, which shows the Respondent’s intention to target the ARCELORMITTAL Trademark, and the failure of the Respondent to submit a response, 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. Rather, the disputed domain name has been set up for email use with MX records, which tends to indicate that the disputed domain name may be actively used for fraudulent email schemes, even though the Complainant has not provided any specific evidence regarding fraudulent email communication.

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 <arcelormlitalbr.com> be transferred to the Complainant.

*/Manuel Wegrostek/*

**Manuel Wegrostek**

Sole Panelist

Date: January 20, 2026