

ADMINISTRATIVE PANEL DECISION

ArcelorMittal v. Anil Kumar

Case No. DAE2025-0004

1. The Parties

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

The Respondent is Anil Kumar, United Arab Emirates.

2. The Domain Names and Registrar

The disputed domain names <arcelor.ae> and <arcelor-mittal.ae> are registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2025. On February 25, 2025, the Center transmitted by email .aeDA a request for registrant verification in connection with the disputed domain names. On February 26, 2025, .aeDA transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 7, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was March 27, 2025. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on April 1, 2025.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on April 8, 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 a world steel producing company and is one of the market leaders in steel for use in automotive, construction, household appliances and packaging with 58.1 million tons crude steel made in 2023. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant is the owner of several registrations of the ARCELORMITTAL and ARCELOR trademarks, such as:

- International Trademark Registration No. 947686 for ARCELORMITTAL, registered on August 3, 2007, for goods and services in International Classes 06, 07, 09, 12, 19, 21, 39, 40, 41, 42;
- International Trademark Registration No. 778212 for ARCELOR, registered on February 25, 2002, for goods and services in International Classes 01, 06, 07, 09, 12, 37, 40, 42;
- United Arab Emirates Trademark Registration No. 098432 for ARCELORMITTAL registered on December 15, 2009, for services in International Class 40.

The Complainant created and operates the following domain names:

- <arcelormittal.com> registered since January 27, 2006;
- <arcelormittal.ae>;
- <arcelor.com> registered since August 29, 2001.

Previous Panels have held that Complainant's mark is well-known and well-established. *ArcelorMittal SA v. Tina Campbell*, WIPO Case No. [DCO2018-0005](#); *Arcelormittal (SA) v. floyd martins*, WIPO Case No. [DME2018-0005](#).

The disputed domain name <arcelor.ae> was used to host a website that prominently displayed the ARCELORMITTAL trademark and imitating the Complainant's official website at <arcelormittal.com>. The disputed domain name <arcelor-mittal.ae> redirects to the disputed domain name <arcelor.ae>. At the time of this Decision both disputed domain names resolve to an inactive website.

5. Parties' Contentions

A. Complainant

Identical or Confusingly Similar

The Complainant contend that the disputed domain names and the ARCELORMITTAL and ARCELOR trademarks are confusingly similar.

According to the Complainant's contentions, the addition of the country code Top-Level Domain ("ccTLD") ".ae" is not sufficient to escape the finding that the disputed domain names are identical to the Complainant's trademarks and does not change the overall impression of affiliation to its trademark.

No Rights or Legitimate Interests

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain names.

According to the Complainant's contentions, the Respondent has not used the disputed domain names in connection with a bona fide offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register the disputed domain names.

The disputed domain names create a likelihood of confusion amongst the public, because the disputed domain names falsely create the impression that they are linked to the Complainant.

Registered or Used in Bad Faith

The Complainant submits that the Respondent registered and is using the disputed domain names in bad faith.

The Complainant submits that the Respondent must have been aware of the Complainant's ARCELORMITTAL and ARCELOR trademarks when it registered the disputed domain names.

The Complainant asserts that the mere fact of registration of the disputed domain names that are confusingly similar or identical to a famous trademark by an entity that has no relationship to that mark is itself evidence of bad faith registration and use.

The Complainant contends that the disputed domain names are used with the view of attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint 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."

Paragraph 6(a) of the Policy directs that the Complainant must prove each of the following:

- I. that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- II. that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- III. that the disputed domain names have been registered or are being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 6(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(e) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences there from as it considers appropriate".

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 1.7.¹

¹ In light of the substantive and procedural similarities between the .aeDRP and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has cited decisions under the UDRP and the [WIPO Overview 3.0](#), where appropriate.

The Complainant has shown rights in respect of the ARCELOMITTAL and ARCELOR trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Both ARCELOMITTAL and ARCELOR trademarks are recognizable within the disputed domain names. Accordingly, the disputed domain name <arcelor.ae> is identical to the mark ARCELOR and the disputed domain name is confusingly similar to the marks ARCELOR and ARCELOR MITTAL for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Moreover, the ccTLD “.ae” in the disputed domain names is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether domain names are identical or confusingly similar to the trademarks.

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

B. Rights or Legitimate Interests

Paragraph 6(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 the 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 names. 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 there is no evidence that the Respondent (as an individual, business, or other organization) is commonly known under the ARCELOMITTAL and ARCELOR trademarks. Paragraph 6(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent to make any use of the Complainant’s ARCELOMITTAL and ARCELOR trademarks, or to apply for registration of the disputed domain names by the Complainant.

The Respondent’s election of the disputed domain names, which reproduce the Complainant’s ARCELOMITTAL and ARCELOR trademarks and connect to websites copying the Complainant’s own website, shows that the Respondent has targeted the Complainant, its trademarks, and its business. Therefore, the Respondent’s conduct cannot be considered a legitimate noncommercial or fair use of the disputed domain names.

The Complainant demonstrated that the website, to which the disputed domain names resolve, imitates the original Complainant’s website and displays the Complainant’s logo, which shows that the Respondent has attempted to impersonate or pass-off as the Complainant, since the display of the ARCELOMITTAL or ARCELOR trademarks misleads Internet users as to the affiliation, source or sponsorship of the services rendered by the Respondent, while clearly seeking a commercial gain (see sections 2.5.1, 2.5.2., and 2.5.3 of the [WIPO Overview 3.0](#)).

Panels have held that the use of a domain name for illegal activity, such as, in this case impersonation/passing off, o can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 names. 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 current passive holding of the disputed domain names does not refute the above findings.

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

C. Registered or is Being Used in Bad Faith

The Panel notes that, for the purposes of paragraph 6(a)(iii) of the Policy, paragraph 6(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 Complainant ascertained its rights over the ARCELORMITTAL and ARCELOR trademarks in several jurisdictions. The dates of registration of the Complainant's trademarks significantly precede the date of registration of the disputed domain names.

Paragraph 6(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.

As mentioned in the analysis of the first element, the disputed domain names reproduce the Complainant's ARCELORMITTAL and ARCELOR trademarks. Through the website to which the disputed domain names resolve, the Respondent has impersonated the Complainant, which constitutes bad faith. Internet users who encounter the website under the disputed domain names may believe that they are dealing with the Complainant, or with a website that is somehow endorsed, authorized, or operated by the Complainant. See section 3.1.4 of the [WIPO Overview 3.0](#).

Taking the above into consideration, as well as the fact that the Respondent has targeted the Complainant, its services, and its clients, it is clear that the Respondent knew about the Complainant and its trademarks when the disputed domain names were registered. Section 3.2.1 of the [WIPO Overview 3.0](#).

The evidence submitted by the Complainant shows that the Respondent has attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, which constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity here, 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 names constitute 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 6(i) of the Policy and 15 of the Rules, the Panel orders that the domain names <arcelor.ae>, <arcelor-mittal.ae> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Panelist

Date: April 24, 2025