

## **ADMINISTRATIVE PANEL DECISION**

ARCELOMITTAL v. Inv Inv, Auot kaiz

Case No. DCC2025-0006

### **1. The Parties**

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

The Respondent is Inv Inv, Auot kaiz, United States of America.

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

The disputed domain name <arcelomittal.cc> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 5, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 5, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 7, 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 March 7, 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 March 17, 2025. In accordance with the Rules, paragraph 5, the due date

for Response was April 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 8, 2025.

The Center appointed Jon Lang as the sole panelist in this matter on April 11, 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 the owner of the International trademark n° 947686 ARCELORMITTAL registered on August 3, 2007. It also owns a domain name portfolio, including <arcelormittal.com> registered on January 27, 2006.

The Domain Name was registered on March 4, 2025, and resolves to an error page. The Domain Name has been set up with Email Exchange ("MX") servers.

#### **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 Domain Name. The following is a summary of its assertions.

(i) The Complainant contends that the Domain Name is confusingly similar to its trademark ARCELORMITTAL and its associated domain names.

The misspelling of the Complainant's trademark i.e. the deletion of the letter "r" is characteristic of the practice of typosquatting which is intended to create confusing similarity between the Complainant's trademark and the Domain Name.

Slight spelling variations do not prevent a domain name from being confusing similar to a complainant's trademark.

The Complainant asserts that the addition of the country code Top-Level Domain ("ccTLD") suffix ".cc" does not change the overall impression that the Domain Name is connected to the trademark ARCELORMITTAL, and does not prevent the likelihood of confusion between the Domain Name and the Complainant, its trademark and its associated domain names.

(ii) The Complainant contends that the Respondent has no right or legitimate interest in respect of the Domain Name.

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once it has done so, the Respondent carries the burden of demonstrating that it does have rights or legitimate interests in the Domain Name.

Given that the Whois information for the Respondent is not similar to the Domain Name, it can be said that the Respondent is not commonly known by the Domain Name.

The Complainant asserts that the Respondent is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither a license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark ARCELORMITTAL, or to apply for registration of the Domain Name.

The Complainant also asserts that the Domain Name is a typosquatted version of the trademark ARCELORMITTAL, i.e. the Domain Name has been registered in an attempt to take advantage of Internet users' typographical errors. Such conduct can constitute evidence that a respondent lacks rights and legitimate interests in the domain name in question.

As the Domain Name resolves to an error page, the Complainant asserts that the Respondent has not used the Domain Name and further asserts that this confirms that the Respondent has no demonstrable plan to use the Domain Name.

(iii) The Complainant contends that the Respondent has registered the Domain Name and is using it in bad faith.

The Complainant asserts that the Domain Name is confusingly similar to its distinctive trademark ARCELORMITTAL, which is widely known.

Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the Domain Name with full knowledge of the Complainant's trademark.

The Complainant further asserts that the misspelling of the trademark ARCELORMITTAL was intentionally designed so that the Domain Name would be confusingly similar to the Complainant's trademark. Such action is evidence of bad faith.

Given that the Domain Name resolves to an error page, the Complainant asserts that the Respondent has not demonstrated any activity in respect of the Domain Name and that moreover, 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.

Incorporation of a famous mark within a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

The Domain Name has been set up with MX records which suggests that it may be actively used for email purposes. The Complainant asserts that it is inconceivable that the Respondent will be able to make any good faith use of the Domain Name as part of an email address.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy requires a complainant to prove: (i) that a respondent has registered a domain name which is identical or confusingly similar to a trademark or service mark in which a complainant has rights; (ii) that the respondent has no rights or legitimate interests in respect of the domain name; and (iii) that the domain name has been registered and is being used in bad faith. A complainant must prove each of these three elements to succeed.

## **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 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 Complainant's ARCELORMITTAL mark is clearly recognizable within the Domain Name. The omission of the letter "r" does little to diminish the visual impression created by the Domain Name, i.e. that it is identical to the ARCELORMITTAL trademark. To create such a visual impression was no doubt the very purpose in the Respondent choosing the Domain Name. Given the omission of the letter "r", the Domain Name and the Complainant's trademark cannot be said to be identical, but the Domain Name is certainly confusingly similar to it and easily mistaken for being identical.

The first paragraph of section 1.9 of [WIPO Overview 3.0](#) states that "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". Accordingly, the Panel finds that the Domain Name is confusingly similar to the ARCELORMITTAL trademark for the purposes of the Policy and thus paragraph 4(a)(i) of the Policy (the first element) 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.

A respondent can show it has rights to or legitimate interests in a domain name in various ways even where, as is the case here, it is not licensed by or legitimately affiliated with a complainant. For instance, a respondent can show that it has been commonly known by the domain name or that it is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. A respondent can also show that it is using a domain name in connection with a bona fide offering of goods or services.

There is nothing on the record to indicate that the Respondent is commonly known by the Domain Name. The Domain Name was designed to be mistakenly seen as incorporating the ARCELORMITTAL trademark so as to mislead Internet users into believing that the Domain Name, and no doubt any active website or email address associated with it, is that of, or genuinely associated in some way with the Complainant, no doubt for commercial gain and perhaps also for nefarious purposes. In these circumstances, it cannot be said that there is legitimate noncommercial or fair use without intent for commercial gain to mislead, or a bona fide offering of goods or services.

This is a clear case of typosquatting i.e. the deliberate but usually minor misspelling of another's trademark to mislead. Section 1.9 of the [WIPO Overview 3.0](#) makes clear that, "Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant". The Respondent has clearly set out to confuse Internet users and in these circumstances, the Respondent can have no rights or legitimate interests in respect of the Domain Name.

The Respondent has not come forward with a Response and in all the circumstances, there is nothing to indicate that the Respondent has rights or legitimate interests in the Domain Name. The contentions of the Complainant have been made out but not answered and accordingly, the Panel finds that the Complainant has fulfilled the requirements of paragraph 4(a)(ii) of the Policy (the second element).

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

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 too 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.

The Respondent must have been aware of the Complainant and its ARCELORMITTAL trademark at the time of registration of the Domain Name given its formulation.

The Domain Name is confusingly similar to the ARCELORMITTAL trademark and may well be mistaken as being identical.

The Panel is satisfied that the Respondent has engaged in typosquatting and this is exactly the sort of abusive conduct to which the Policy is directed and is, in and of itself, evidence of bad faith.

Whilst there is no evidence of the Respondent using the Domain Name for the purposes of sending emails, MX servers have been configured and one can only too readily see how email could be used for illegitimate purposes. Use of a domain name for illegitimate activity, e.g. impersonation, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The incorporation of the Complainant's well known ARCELORMITTAL trademark into the Domain Name (with a minor misspelling), a domain name formulated to mislead albeit with no active use being made of it, (but with MX servers configured), supports a finding of bad faith registration and use.

The Panel finds that, for the purposes of the Policy, there is evidence of both registration and use of the Domain Name in bad faith and that therefore the third element of the Policy has been established.

## **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 Domain Name <arcelomittal.cc> be transferred to the Complainant.

*/Jon Lang/*

**Jon Lang**

Sole Panelist

Date: April 18, 2024