

ADMINISTRATIVE PANEL DECISION

Arcelormittal (SA) v. Joe Gilbertson

Case No. DCO2023-0029

1. The Parties

The Complainant is Arcelormittal (SA), Luxembourg, represented by Nameshield, France.

The Respondent is Joe Gilbertson, United States of America.

2. The Domain Name and Registrar

The disputed domain name <arcelormittal-europe.co> ("Disputed Domain Name") is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 16, 2023. On March 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 17, 2023, 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 from the Respondent identified by reference to Annex 1 to the Complaint ("REDACTED FOR PRIVACY, Domains By Proxy, LLC"), and contact information in the Complaint. The Center sent an email communication to the Complainant on March 22, 2023, 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 23, 2023.

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 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 18, 2023.

The Center appointed Shwetasree Majumder as the sole panelist in this matter on April 26, 2023. 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 owner of the well-known trademark ARCELORMITTAL, which it uses almost worldwide for a steel producing company and its products. The Complainant is a major player in the steel business worldwide, allegedly one of the world's largest steel producing companies. The Complainant owns a large number of trademarks for ARCELORMITTAL, such as International trademark ARCELORMITTAL (registration No. 947686), registered on August 3, 2007. This registration designates the United States of America, which is the Respondent's location. The Complainant also owns a number of domain names, including <arcelormittal.com> of January 27, 2006.

The Disputed Domain Name was registered on March 15, 2023. At the time of writing this decision, the Disputed Domain Name is a parked page. It is also configured to an email exchange ("MX") server.

5. Parties' Contentions

A. Complainant

The Complainant contends that it is the owner of a number of trademarks consisting of its name "Arcelormittal" and that it has a strong reputation for the goods and business under its trademark. It has a worldwide presence. The Complainant asserts that the Disputed Domain Name is confusingly similar to the above-mentioned ARCELORMITTAL trademark. The Complainant asserts that the addition of the geographical term "europe" is not sufficient to escape the finding of confusing similarity.

The Complainant alleges that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and that it was registered and is being used in bad faith. Finally, the Complainant refers to a number of previous UDRP panel decisions where the well-known status of its trademark was confirmed.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns registered rights in the trademark ARCELORMITTAL. The Panel agrees with the Complainant that the presence of the geographical term "europe" does not prevent the finding that the Disputed Domain Name is confusingly similar to the trademark ARCELORMITTAL. Referring to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.7 and 1.8, this Panel notes that where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms would not prevent a finding of confusing similarity under the first element. In the present case, the Complainant's mark ARCELORMITTAL is clearly recognizable in the Disputed Domain Name and therefore the addition of the geographical term "europe" does not prevent a finding of confusing similarity. (See *F. Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan*, WIPO Case No. [D2015-2316](#)).

The country code Top-Level Domain (“ccTLD”) “.co” is generally disregarded for the purposes of comparison under this element.

In view of the above-mentioned findings, the Panel concludes that the requirement of paragraph 4(a)(i) of the Policy stands satisfied.

B. Rights or Legitimate Interests

The Complainant must establish a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Once such *prima facie* case is made out, the Respondent carries the burden of demonstrating its rights or legitimate interests in the Disputed Domain Name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

The Respondent is Joe Gilbertson and is not commonly known under the Disputed Domain Name. The Respondent has not filed a response, so there are no claims of connection with or authorisation from the Complainant. The Disputed Domain Name resolves to a parked page with Pay-Per-Click links. The Respondent therefore cannot show a *bona fide* offering or use of the Disputed Domain Name. See, e.g., *Instagram, LLC v. Asif Ibrahim, Asif Ibrahim*, WIPO Case No. [D2020-2552](#).

Moreover, Disputed Domain Name consisting of the trademark ARCELORMITTAL with the geographical term ‘europe’ is seen by the Panel as an attempt to take unfair advantage of Internet users who may be looking for Complainant’s businesses in Europe. This is an indication of lack of rights and legitimate interests.

In the absence of any explanation by the Respondent, the Complainant’s establishment of the *prima facie* case is sufficient. The Panel is satisfied that the second element of the Policy is met.

C. Registered and Used in Bad Faith

The Disputed Domain Name is used for a parked page with Pay-Per-Click links. Taking into account the strength and fame of the Complainant’s trademark ARCELORMITTAL, which was confirmed by a number of previous UDRP panels in recent decisions, e.g., *ArcelorMittal SA v. Tina Campbell*, WIPO Case No. [DCO2018-0005](#), and taking into account the context which the Disputed Domain Name creates, the Panel is convinced that the Respondent was and is aware of the Complainant’s famous trademark. It is inconceivable that the Respondent might have registered a domain name similar to or incorporating the mark without knowing it.

In this Panel’s view, this establishes bad faith registration of the Disputed Domain Name. Moreover, UDRP panels have 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.

The Panel notes that the parked page at the Disputed Domain Name displays PPC links, with at least one clearly related to the Complainant’s business. Here, such conduct falls within the example of bad faith registration and use set out at paragraph 4(b)(iv) of the Policy namely that, by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website. Neither the fact that such links may be generated by a third party such as a registrar, nor the fact that the Respondent itself may not have directly profited, would by itself prevent a finding of bad faith (see section 3.5 of the [WIPO Overview 3.0](#)).

The Panel also notes the Respondent’s lack of participation in this proceeding.

This Panel therefore comes to the conclusion that the third element of the Policy is met.

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, <arcelormittal-europe.co>, be transferred to the Complainant.

/Shwetasree Majumder/

Shwetasree Majumder

Sole Panelist

Date: May 11, 2023