

ADMINISTRATIVE PANEL DECISION

Arcelormittal (SA) v. steve cowing
Case No. D2022-4647

1. The Parties

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

The Respondent is steve cowing, United States of America.

2. The Domain Name and Registrar

The disputed domain name <acelormttial.com> (the “Disputed Domain Name”) is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2022. On December 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 6, 2022, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 8, 2022, 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 8, 2022.

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 12, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 1, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 5, 2023.

The Center appointed Peter Wild as the sole panelist in this matter on January 20, 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. The Complainant also owns a number of domain names, including <arcelormittal.com> of January 27, 2006.

The Disputed Domain Name was registered on November 30, 2022. At the time of writing this decision, the Disputed Domain Name resolves to an error 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 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 registration of trademarks clearly predate the Disputed Domain Name. The trademark ARCELORMITTAL is recognizable in the Disputed Domain Name. There are however small elements in the Disputed Domain Name which differ from the Complainant's trademark, namely deletion of the letter "r" and shifting the letter "i" behind the "tt".

Such misspelling variations do not prevent a finding of confusing similarity of the Disputed Domain Name, as the Complainant's trademark remains recognizable in the Disputed Domain Name. These are typical cases of typosquatting. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9 and *ArcelorMittal (Société Anonyme) v. Name Redacted*, WIPO Case No. [D2020-3457](#).

Such typosquatting intentionally takes advantage of Internet users that inadvertently type an incorrect address (often a misspelling of the complainant's trademark) when seeking to access the trademark owner's website.

Accordingly, the Disputed Domain Name, consisting of a slight variation of the Complainant's trademark ARCELORMITTAL is confusingly similar to the Complainant's trademarks.

Therefore, the Panel is satisfied that the first element of the Policy is met.

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 not commonly known under the Disputed Domain Name and claims no connection with or authorisation from the Complainant. The Respondent shows no activity at all under the website to which the Disputed Domain Name resolves. The Respondent therefore can not 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, the construction of the Disputed Domain Name, consisting of letter omission and switching, resulting in a domain name which remains highly similar to the Complainant's trademark is seen as an attempt to take unfair advantage of Internet users' typographical errors which 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.

With the evidence on file, this Panel is satisfied that the second element of the Policy is met.

C. Registered and Used in Bad Faith

The Disputed Domain Name is not used. However, from the inception of the UDRP, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. 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.

Furthermore, given the Respondent's lack of participation in this proceeding, the Panel finds that the non-use of the Disputed Domain Name does not prevent a finding of bad faith under the circumstances of 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 <acelormttial.com> be transferred to the Complainant.

/Peter Wild/

Peter Wild

Sole Panelist

Date: February 3, 2023