

ADMINISTRATIVE PANEL DECISION

Arcelormittal v. Abe, Abe
Case No. D2024-2080

1. The Parties

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

The Respondent is Abe, Abe, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <arcelormittmall.vip> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 17, 2024. On May 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 2024, the Registrar transmitted by email to the Center its verification response, providing additional registrant and contact details. The Center sent an email communication to the Complainant on May 24, 2024, 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 the same date.

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 May 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 25, 2024.

The Center appointed Erick Iriarte as the sole panelist in this matter on July 10, 2024. 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 Luxembourg company called Arcelormittal dedicated to the specialized production of steel. It is a company with steel production operations in 15 countries and customers in 140 countries.

For the purpose of the Complaint, the Complainant relies in particular on the following trade mark registrations:

- International trademark ARCELORMITTAL No. 947686, registered on August 03, 2007, in class 06, 07, 09, 12, 19, 21, 39, 40, 41 and 42.

Likewise, the Complainant owns the domain name <arcelormittmall.vip>, registered on May 16, 2024.

The Respondent is an individual based in the United States. The website associated with the disputed domain name is not active at the time of this decision, but the information provided by the Complainant (Annex 6 to the Complaint) shows its use linked to the Complainant's trademark. Likewise, the information provided by the Complainant (Annex 6) shows that the Respondent's website used to contain altered versions of the Complainant's company information, taken from the Complainant's website at "www.corporate.arcelormittal.com/about".

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.

B. Respondent

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

6. Discussion and Findings

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.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here, "mall") or punctuation marks may bear on assessment of the second and third elements, the Panel finds the addition of the term "mall" does not prevent a finding of confusing similarity between the disputed domain name and the ARCELORMITTAL trademark for the purposes of the Policy. [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.

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. As per the Complainant’s submission, the Panel notes that the Respondent’s website titled “Arcelor Mittal Mall”, featuring the Complainant’s ARCELORMITTAL trade mark, thus the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s mark. The Panel concludes that this creates a risk for implied affiliation with the Complainant.

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.

In the present proceedings, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark.

Likewise, the information provided by the Complainant (Annex 6) shows (in the Respondent’s website) altered versions of the current description of the Complainant’s company (see “www.corporate.arcelormittal.com/about”). The Respondent appears to be passing off as the Complainant and the above-mentioned use indicates an intention to take advantage of the Complainant’s reputation as well as creates confusion in the minds of Internet users.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes 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 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <arcelormittmall.vip>, be transferred to the Complainant.

/Erick Iriarte/

Erick Iriarte

Sole Panelist

Date: August 14, 2024