

ADMINISTRATIVE PANEL DECISION

ARCELORMITTAL v. Brekiesz Beata

Case No. D2024-2135

1. The Parties

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

The Respondent is Brekiesz Beata, United States of America.

2. The Domain Name and Registrar

The disputed domain name <ercelormittal.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2024. On May 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 24, 2024, 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, arcelormittal.com”) and contact information in the Complaint. 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 May 27, 2024.

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 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 18, 2024.

The Center appointed Halvor Manshaus as the sole panelist in this matter on June 25, 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 the largest steel-producing company in the world and the market leader in steel for automotive, construction, household appliances, and packaging. In 2023, the Complainant produced 58.1 million tons of crude steel.

The Complainant holds the International Trademark registration no. 947686 comprising the word ARCELORMITTAL, registered on August 3, 2007, and the domain name <arcelormittal.com>, registered since January 27, 2006.

The disputed domain name was registered on May 23, 2024 and resolves to a page under construction.

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.

Notably, the Complainant contends that the disputed domain name is an obvious misspelling of the Complainant's trademark, characteristic of typosquatting practices. The Complainant further asserts that the the generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and as such is disregarded under the first element confusion similarity test.

The Complainant argues that the Respondent has no legitimate interest in the dispute domain name, and that the Respondent is not authorized, licensed, or similar, to use the disputed domain name. The Complainant further contends that the disputed domain name resolves to a website under construction, and that the disputed domain name is a typosquatted version of the Complainant's trademark, indicating that the Respondent has no legitimate interests in the disputed domain name.

The Complainant further asserts that the disputed domain name was registered and is being used in bad faith as the Complainant's trademark is distinctive and widely known. Further, the Complainant argues that the disputed domain name consists of an intentional misspelling of the Complainant's trademark, indicating that it was registered and is used in bad faith. Additionally, the disputed domain name resolves to a website under construction, and there is no plausible actual or contemplated use of the disputed domain name that would not be illegitimate, such as 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

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 Panel finds the mark is recognizable 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.

The disputed domain name involves a misspelling of the Complainant's trademark ARCELORMITTAL, substituting the first letter "a" with the letter "e". However, the substitution of "a" with "e" does not prevent a finding of confusing similarity between the disputed domain name and the trademark as the disputed domain name contains sufficiently recognizable aspects of the relevant mark. [WIPO Overview 3.0](#), section 1.9.

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.

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 case, the Panel notes that the disputed domain name comprises the Complainant's well-known trademark almost in its entirety except substituting the first letter "a" with "e". The Panel finds it unlikely that the Respondent was unaware of the Complainant's trademark registration, as the Complainant's trademarks are both well-known and predate the registration of the disputed domain name.

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 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 disputed domain name is a clear misspelling of the Complainant's trademark, characteristic of typosquatting practices where slight alterations or common typographical errors are used to create domain names confusingly similar to established trademarks. Therefore, the Panel finds it likely that the disputed domain name was registered to achieve commercial gain by misleading Internet users to the disputed domain name the nature of the disputed domain name supports a finding of bad faith registration.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s trademark, and the typosquatting composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel therefore concludes that the Complainant has demonstrated that the Respondent both registered and is using the disputed domain name in bad faith. Consequently, the Panel concludes that the Complainant has satisfied the requirements of paragraph 4(b) of 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 <ercelormittal.com> be transferred to the Complainant.

/Halvor Manshaus/

Halvor Manshaus

Sole Panelist

Date: July 9, 2024