

## **ADMINISTRATIVE PANEL DECISION**

Arcelormittal v. Beekman Kabel K.G.

Case No. D2024-2811

### **1. The Parties**

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

The Respondent is Beekman Kabel K.G., Netherlands (Kingdom of the).

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

The disputed domain name <arcelormittalcs.online> is registered with Key-Systems GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2024. On July 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (unidentified) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 18, 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 July 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 19, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on August 20, 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 leading global steel and mining corporation, headquartered in Luxembourg City. It is recognised as one of the world's largest steel producers, with a production output of several million tonnes of crude steel in 2023. The Complainant's products serve multiple industries, including automotive and construction, supported by substantial captive supplies of raw materials and an extensive distribution network.

The Complainant is the registered owner of international trademark No. 947686 for the mark ARCELORMITTAL, registered on August 3, 2007, with protection extending across various jurisdictions, including the European Union and the United States of America.

Additionally, the Complainant maintains a significant portfolio of domain names, including <arcelormittal.com>, which has been registered since January 27, 2006.

The disputed domain name was registered on July 9, 2024. According to available records, it initially resolved to a parking page. Currently, it is associated with a page indicating that the disputed domain name has been blocked. The Complainant asserts that mail exchange ("MX") servers are configured.

The Respondent in these proceedings, identified as Beekman Kabel K.G., is the registrant of the disputed domain name.

#### **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 confusingly similar to its ARCELORMITTAL trademark, noting that the trademark is fully incorporated within the disputed domain name. The Complainant argues that the addition of the letters "CS" does not negate this similarity, as it does not alter the overall impression that the disputed domain name is connected to the Complainant's ARCELORMITTAL trademark.

Further, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that there is no affiliation or connection between the Complainant and the Respondent. The Complainant has neither engaged in business with the Respondent nor granted any licence or authorisation for the use of the ARCELORMITTAL trademark or for the registration of the disputed domain name.

Additionally, the Complainant asserts that the Respondent has not made any actual use of the disputed domain name and has no demonstrable plans to do so.

The Complainant emphasises that the ARCELORMITTAL trademark is widely recognised, a fact previously affirmed by other panels. The Complainant's presence in the Netherlands (Kingdom of the), where the Respondent is located, further supports the inference that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark.

Finally, the Complainant notes that the disputed domain name has been configured with MX records, suggesting potential active use for email purposes. In view of these factors, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith.

## **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.

Although the addition of the letters "CS" may bear on assessment of the second and third elements, the Panel finds that this does not prevent a finding of confusing similarity between the disputed domain name and the mark 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.

The Complainant asserts that there is no affiliation with, nor authorisation granted to, the Respondent, who appears to lack any rights to use or register the Complainant's trademark as a domain name and is not, in fact, commonly known by the disputed domain name. The composition of the disputed domain name suggests a misleading connection and indicates that the Respondent intends to exploit this similarity unfairly, thereby negating any rights or legitimate interests in the disputed domain name.

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 this case, given the distinctiveness of the Complainant's trademark and its established reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark. It is also pertinent to consider that panels have consistently held that the mere registration of a domain name identical or confusingly similar to a well-known trademark by an unaffiliated entity can establish a presumption of bad faith ([WIPO Overview 3.0](#), section 3.1.4).

Moreover, the disputed domain name previously resolved to a parking page and the Respondent has not demonstrated any legitimate use or intent to use the disputed domain name. It is difficult to conceive of any plausible legitimate use by the Respondent and the Panel notes that the disputed domain name currently appears to resolve to a website stating that the disputed domain name has been blocked.

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.

Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name, and several significant factors, including the Respondent's failure to provide a response or any evidence of actual or intended good-faith use, as well as the unlikelihood of any plausible good-faith use to which the domain name could reasonably be applied. In light of these circumstances, the Panel concludes that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Furthermore, the configuration of MX records for the disputed domain name suggests potential active use for email purposes, which represents an implied ongoing threat to the Complainant that the Respondent may intend to exploit the disputed domain name in bad faith.

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 <arcelormittalcs.online> be transferred to the Complainant.

*/Andrea Cappai/*

**Andrea Cappai**

Sole Panelist

Date: September 3, 2024