

ADMINISTRATIVE PANEL DECISION

Arcelormittal v. Eran Orzel

Case No. D2024-2956

1. The Parties

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

The Respondent is Eran Orzel, United States of America.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 19, 2024. On July 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 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”) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 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 July 22, 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 July 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 16, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on August 26, 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, a preeminent entity within the global steel and mining industry, maintains its principal headquarters in Luxembourg City. Recognised as the foremost steel producer globally, the Complainant reported an output of several million tons of crude steel in the fiscal year 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.

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 16, 2024, and is currently inactive. MX servers have been configured.

The registrant of the disputed domain name, and the Respondent in these proceedings, is identified as Eran Orzel.

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 deliberate misspelling of its ARCELORMITTAL trademark—specifically, the addition of an extra “L” and the omission of the letter “I”—constitutes a clear instance of typosquatting, intended to create a confusing similarity between the Complainant's trademark and the disputed domain name.

The Respondent possesses no rights or legitimate interests in the disputed domain name. It is affirmed that there is no affiliation or connection between the Complainant and the Respondent. The Complainant has not engaged in any business activities with the Respondent and has not granted any licence or authorisation for the use of the ARCELORMITTAL trademark or for the registration of the disputed domain name.

The Complainant further asserts that the Respondent has neither made use of the disputed domain name nor demonstrated any intention to do so, noting that the disputed domain name currently resolves to an inactive page.

The Complainant highlights the established recognition of the ARCELORMITTAL trademark, a fact affirmed by previous panels, which supports the inference that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark.

Finally, the Complainant observes that the disputed domain name has been configured with MX records, indicating the potential for active use in email communications. Considering these factors, the Complainant argues that the Respondent's registration and use of the disputed domain name are 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 recognisable 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 deliberate alteration of letters within the disputed domain name, while seemingly minor, plays a significant role in creating a connection in the minds of the public between the disputed domain name and the Complainant's established trademarks. It is a well-established principle that a domain name embodying a common, evident, or deliberate misspelling of a trademark is deemed confusingly similar to the pertinent mark for the purposes of the initial element, according to [WIPO Overview 3.0](#), section 1.9.

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 recognised 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 no affiliation or authorisation exists with the Respondent, who appears to lack any rights to use or register the Complainant's trademark as a domain name. Additionally, the Respondent is not commonly known by the disputed domain name. The structure of the disputed domain name implies a deceptive association and suggests that the Respondent was aware of the Complainant and its trademarks and may seek to unfairly exploit this resemblance, thereby invalidating any legitimate rights or interests in the disputed domain name. The fact that the disputed domain name is not only confusingly similar to the Complainant's trademark but also represents a typical typographical error of the Complainant's domain name further strengthens these conclusions.

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, given the distinctiveness of the Complainant's trademark and its established reputation, the Panel notes that it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark. The likelihood that the Respondent could have registered a domain name similar to or incorporating the trademark without such knowledge is minimal.

Moreover, the disputed domain name remains unused, 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.

Panels have consistently found that the mere registration of a domain name identical or confusingly similar to a famous or widely known trademark, particularly when the domain name includes typographical variations or descriptive terms, by an unaffiliated entity can establish a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Additionally, the configuration of MX records for the disputed domain name suggests potential active use for email communications, which further reinforces the inference that the Respondent intends to exploit the disputed domain name in bad faith. This concern is heightened by the strong similarity between the Complainant's official domain name and the disputed domain name, increasing the risk of confusion for email recipients (e.g., `example@arcelormittal.com` for the official domain versus `example@arcellormttal.com` for an email associated with the disputed domain name).

Furthermore, the fact that the disputed domain name is inactive does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

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 <arcellormttal.com> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: September 9, 2024