

ADMINISTRATIVE PANEL DECISION

ARCELORMITTAL v. BILLY CHILL

Case No. DCO2023-0077

1. The Parties

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

The Respondent is BILLY CHILL, United States of America.

2. The Domain Name and Registrar

The disputed domain name <arcelormittal-be.co> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 7, 2023. On September 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 7, 2023, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 8, 2023, 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 September 12, 2023.

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 September 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 9, 2023.

The Center appointed Erica Aoki as the sole panelist in this matter on October 16, 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 one of the largest steel producing companies in the world and is a market leader in steel for use in automotive, construction, household appliances and packaging with 59 million tons crude steel made in 2022. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant is the owner of the international trademark No. 947686 ARCELORMITTAL registered on August 3, 2007, among other trademarks. The Complainant also owns an important domain name portfolio, such as the domain name <arcelormittal.com> registered since January 27th, 2006.

The disputed domain name was registered on September 4, 2023, and resolves to a parking page with commercial links. Besides, MX servers are configured.

5. Parties' Contentions

A. Complainant

The Complainant is a Luxembourg-based multinational steel manufacturing corporation headquartered in Luxembourg. It was formed in 2006 from the takeover and merger of Arcelor by Indian-owned Mittal Steel.

The Complainant is the second largest steel producer in the world, with an annual crude steel production of 88 million metric tons as of 2022. It is ranked 197th in the 2022 Fortune Global 500 ranking of the world's largest corporations. It directly and indirectly employs around 200,000 people and its market capital is USD 25 billion. The total value of company assets is estimated to be around \$100 billion.

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademarks, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Based on the facts presented by the Complainant, this Panel finds that the Complainant has established its rights in the trademark ARCELORMITTAL through registration and use. The Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark with the only difference being the addition of the geographic term "be", for Belgium. The disputed domain name incorporates the Complainant's registered marks ARCELORMITTAL in its entirety, which is clearly recognizable in the disputed domain name. The addition of the term "be" does not avoid a finding of confusing similarity.

The Panel therefore finds that the disputed domain name is confusing similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Panel finds the following on record in this proceeding under the Policy:

The Respondent is in default and thus has made no affirmative attempt to show any rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy indicates that a registrant may have a right or legitimate interest in a domain name if it uses the domain name in connection with a *bona fide* offering of goods or services prior to notice of the dispute. In this regard, the Respondent is in no way connected with the Complainant, has no authorization to use any of the Complainant's trademarks, and has made no *bona fide* use of the disputed domain name.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization.

There is no evidence on record that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel therefore finds that the Complainant has established an un rebutted *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, under the Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant's trademark was registered well before the registration of the disputed domain name, and considering the reputation of the Complainant's trademark, it is most likely that the Respondent knew or should have known of the Complainant's ARCELORMITTAL trademark when registering the disputed domain name.

Furthermore, the Complainant's ARCELORMITTAL trademark is distinctive and unique to the Complainant. It is therefore beyond the realm of coincidence that the Respondent chose the disputed domain name without the intention of misleading third parties. Moreover, panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

The disputed domain name resolves to a parking page with commercial links. Besides, MX servers are configured suggesting that the disputed domain name may be actively used for email purposes.

By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website.

Accordingly, and as also supported by the Panel's findings above under the second element of the Policy, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith under the Policy, paragraph 4(a)(iii).

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, <arcelormittal-be.co> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: October 30, 2023