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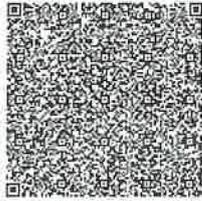
INDIA NON JUDICIAL

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Certificate No.	: IN-DL32997341016519X
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Unique Doc. Reference	: SUBIN-DL DL-Self09715735256643X
Purchased by	: S S RANA AND CO
Description of Document	: Article 12 Award
Property Description	: AWARD
Consideration Price (Rs.)	: 0 (Zero)
First Party	: VIKRANT RANA
Second Party	: VIKRANT RANA
Stamp Duty Paid By	: VIKRANT RANA
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY
(Appointed by the National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name: <arcelormittalnippon.co.in>

IN THE MATTER OF**ARCELORMITTAL**24-26, boulevard d'Avranches,
1160 Luxembourg,
LUXEMBOURG

..... Complainant

-----versus-----

MMT premium
BBSR,
Khordha, Orissa 751017
INDIA

Email: mmtpremiumsaloon@gmail.com

..... Respondent

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1. The Parties

The **Complainant** in this arbitration proceeding is **ARCELORMITTAL**, a Luxembourgish steel manufacturing company with its principal place of business at 24-26, boulevard d'Avranches, 1160 Luxembourg, LUXEMBOURG.

The **Respondent** in this arbitration proceeding is **MMT premium**, of the address: BBSR, Khordha, Orissa 751017, India as per the WHOIS records.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <ARCELORMITTALNIPPON.CO.IN> with the .IN Registry. The Registrant in the present matter is **MMT premium** as per the WHOIS records, and the Registrar is **GoDaddy.com, LLC**.

3. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
January 15, 2025	NIXI sought consent of Mr. Vikrant Rana to act as the Sole Arbitrator in the matter.
January 16, 2025	The Arbitrator informed of his availability and gave his consent vide email, along with the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
January 23, 2025	NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.
January 24, 2025	The Arbitrator directed the Counsel for the Complainant to provide either of the following: A. A duly notarised Power of Attorney; OR B. A duly executed power of attorney under company seal of the Complainant (<i>if available – or alternatively on the Complainant's letterhead</i>).
January 27, 2025	Complainant's Counsel provided a revised Power of Attorney on the Complainant's letterhead.
January 28, 2025	The Arbitrator directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon the Respondent by email as well as physical mode (in case Complaint had

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	already not done so) and provide proof of service within seven (7) days.
February 04, 2025	As no proof of service was received from the Complainant's Counsel within the stipulated time period, the Arbitrator directed Complainant to provide proof of service via physical mode and/or email within three (03) days.
February 05, 2025	Complainant's Counsel vide email, provided the proof of delivery of the email to the Respondent.
February 06, 2025	The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response, i.e. by February 20, 2025.
February 21, 2025	As no response was received from the Respondent within the stipulated time period, in the interests of justice, the Arbitrator granted a final extension of five (05) days to the Respondent to respond to the complaint.
February 28, 2025	As no response was received from the Respondent, the Arbitrator concluded proceedings and reserved the present award.

4. Factual Background – Complainant

Counsel for the Complainant, on behalf of the Complainant in the present matter, has, inter alia, submitted as follows:

- i. That the Complainant is a company specialized in steel production in the world and operates their business through its website www.arcelormittal.com.
- ii. That the Complainant is the largest steel producing company in the world and is the market leader in steel for use in automotive, construction, household appliances and packaging with 58.1 million tons crude steel made in 2023. It holds sizeable captive supplies of raw materials and operates extensive distribution networks. In this regard, Complainant has annexed excerpts from their website www.arcelormittal.com as Annexure 2.
- iii. That the Complainant is present in India through numerous entities. In this regard, Complainant has annexed documents in support of the same as Annexure 3.
- iv. That the Complainant is the proprietor of a number of trademarks including the mark "ARCELORMITTAL" in several countries of the world, including in India. The Complainant has further emphasized that their trademark registration for the mark ARCELORMITTAL under no. 1624297 stands registered since November 23, 2007 in classes 6, 12, 21 and 40. In this regard, Complainant has annexed document in support of the same as Annexure 4.

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- v. That the Complainant is the registered owner of the domain names arcelormittal.com, registered since January 27, 2006 and arcelormittal.in, registered since June 28, 2006. In this regard, Complainant has annexed documents in support of ownership of the domains as Annexure 5.

5. Contentions And Legal Grounds Submitted By The Complainant

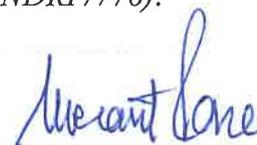
In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

A. The Respondent's domain name "arcelormittalnippon.co.in" is identical to a name, trademark/ trade name in which the Complainant has rights

- i. That the disputed domain incorporates the Complainant's trademark **ARCELORMITTAL** in its entirety and hence is confusingly similar to the Complainant's trademark.
- ii. That the addition of the term "NIPPON" (a transliteration of the Japanese term for "Japan") is not sufficient to distinguish the disputed domain name from the Complainant's trademark. It does not change the overall impression of the designation as being connected to the Complainant's trademark and it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain names associated.
- iii. That a domain name that wholly incorporates a Complainant's registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP and in this regard, the Complainant has placed reliance on *Dr. Ing. h.c. F. Porsche AG v. Vasilij Terkin (WIPO Case No. D2003-0888)*.
- iv. That the Complainant contends that the addition of the ccTLD ".CO.IN" is not sufficient to escape the finding that the domain is confusingly similar to its trademark **ARCELORMITTAL** and does not change the overall impression of the designation as being connected to the trademarks of the Complainant. In this regard, the Complainant has placed reliance on *Sudhir Kumar Sengar v John Doe (Case No. INDRP/1645)*.

B. The Respondent has no rights or legitimate interests in respect of the domain name

- i. That the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4 (II) of the INDRP Policy. In this regard, the Complainant has placed reliance on *Amundi v. GaoGou (Case No. INDRP/776)*.



- ii. That the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Further, neither license nor authorization has been granted to the Respondent to make any use of the trademark, or apply for registration of the disputed domain name by the Complainant.
- iii. That the disputed domain name <ARCELORMITTALNIPPON.CO.IN> resolves to a parked page with commercial links and the Complainant submits that the past panels have found that it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.
- iv. The Complainant has placed reliance on *Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe (WIPO Case No. D2007-1695)* wherein it was observed that the Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not itself qualify as a bona fide use.

C. The disputed domain name has been registered in bad faith

- i. That the Complainant's trademark **ARCELORMITTAL** is widely known and past panels have confirmed the notoriety of the trademark **ARCELORMITTAL** in various cases such as:
 - a) *ARCELORMITTAL v. China Capital (CAC Case No. 101908)* – It was held that the Complainant has established its rights in the trademark "**ArcelorMittal**", at least since 2007. The Complainant's trademark was registered prior to the registration of the disputed domain name (February 7, 2018) and is widely well-known.
 - b) *ARCELORMITTAL v. Robert Rudd (CAC Case No. 101667)* – It was held that the trademark is highly distinctive and well-established.

Thus, given the distinctiveness of the Complainant's trademarks and reputation, it is inconceivable that the Respondent could have registered the disputed domain name <ARCELORMITTALNIPPON.CO.IN> without actual knowledge of Complainant's rights in the trademarks, which evidences bad faith.

- ii. That the disputed domain name resolves to a parked page with commercial links and the Complainant contends that the Respondent has attempted to attract internet users for commercial gain to his own website for its own commercial gain, which is an evidence of bad faith.

6. Reliefs claimed by the Complainant (Paragraphs 11 of the .IN Policy and 4(b)(vii) of the .IN Rules)

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The Complainant has requested that the domain name <ARCELORMITTALNIPPON.CO.IN> be transferred to them.

7. Respondent's Contentions

As already mentioned in the procedural history of the matter, despite having been duly served with a copy of the Domain Complaint as filed, and thereafter granted adequate time to respond to the same, the Respondent had not submitted any response thereto, or in fact communication of any kind to the Arbitrator during pendency of arbitral proceedings in the matter.

8. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, the Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
- ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
- iii. The Registrant's domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.

i. The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights (Paragraph 4(a) of the .IN Domain Name Dispute Resolution Policy)

- In the present domain dispute, the Complainant has furnished information about their trade mark rights over the mark **ARCELORMITTAL** in several countries of the world including in India.
- The Complainant has also provided details of various domain names, comprising its **ARCELORMITTAL** trade mark.
- The Complainant has also submitted that the disputed domain incorporates the Complainant's trademark **ARCELORMITTAL** in its entirety and hence is confusingly similar to the Complainant's trademark.
- The Complainant has further submitted that the mere addition of the term "NIPPON" is not sufficient to distinguish the disputed domain name from the Complainant's trademark and it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain names associated.
- The Complainant has further submitted that the addition of the ccTLD ".CO.IN" is not sufficient to escape the finding that the domain is confusingly similar to its

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trademark **ARCELORMITTAL** and does not change the overall impression of the designation as being connected to the trademarks of the Complainant, and the Arbitrator accepts the submission.

Accordingly, it may be stated that the disputed domain name **<ARCELORMITTALNIPPON.CO.IN>** is confusingly similar to the Complainant's **ARCELORMITTAL** trade mark, and incorporates the same in entirety.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the .IN Domain Name Dispute Resolution Policy)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name, by demonstrating any of the following circumstances:

- (a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;*
- (b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights; or*
- (c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.*

In this regard, in the absence of any rebuttal from the Respondent, and in light of the below assertions of the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(h) of the INDRP.

- The Complainant has not authorized, licensed or otherwise allowed the Respondent to make any use of its **ARCELORMITTAL** trade mark, in a domain name or otherwise.
- Respondent is using the disputed domain name to redirect internet users to a website featuring links, which appear to be pay-per-click links.
- The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services.

As such, Respondent, by choosing not to respond to the Complaint, has failed to satisfy the conditions enshrined in paragraph 6 of the INDR Policy. As held by numerous prior panels, including recently in Case No. INDRP/1891 for **<stanleyco.in>**, "the

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Complainant has to make out a prima facie case that the respondent lacks rights or legitimate interests, whereafter, the burden of proof on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not come forward with any assertion or evidence to show any bonafides. Thus, as mentioned above, in view of the lack of assertions on part of the Respondent, coupled with the other contentions put forth by the Complainant, the Arbitrator accepts the Complainant’s assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. The Registrant’s domain name has been registered or is being used in bad faith (Paragraph 4(c) of the .IN Domain Name Dispute Resolution Policy)

In this regard, Complainant has *inter alia* contended the below points regarding Respondent’s bad faith:

- The Complainant’s trademark **ARCELORMITTAL** is highly distinctive, well-established and widely known.
- Respondent’s awareness that the trademark **ARCELORMITTAL** is widely well-known as the Complainant has established rights in the trademark **ARCELORMITTAL** at least since the year 2007 in India. Thereby, the Respondent had constructive notice of the Complainant and its rights in the mark **ARCELORMITTAL**.
- The disputed domain name <**ARCELORMITTALNIPPON.CO.IN**> resolves to a parked page with commercial links.
- The use of the disputed domain name by the Respondent is solely with mala fide intentions in order to attract internet users for commercial gain to his own website for its own commercial gain, which is an evidence of bad faith

In this regard, it is pertinent to reiterate that the Respondent has not submitted any reply or rebuttal to the Complainant’s contentions, or any evidence in support of its bona fide registration or use of the disputed domain name.

In view of the submissions of the Complainant, specifically regarding the relevance of paragraph 7(c) of the .IN Policy in the present domain dispute, the Arbitrator finds that the Respondent’s registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(c) of the Policy, namely “(c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant’s website or other on-line location, by creating a likelihood of confusion with the Complainant’s name or mark as to the source, sponsorship, affiliation, or

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endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location".

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

9. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <ARCELORMITTALNIPPON.CO.IN> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



Vikrant Rana, Sole Arbitrator

Date: March 21, 2025.

Place: New Delhi, India.