

DISPUTE RESOLUTION SERVICE

D00009596

**Decision of Independent Expert
(Summary Decision)**

ARCELORMITTAL

and

Mr Jaymin Patel

1. The Parties:

Lead Complainant: ARCELORMITTAL
19, Avenue de la Liberte
LUXEMBOURG
L-2930
Luxembourg

Respondent: Mr Jaymin Patel
19 Petersfield Close
London
Edmonton
N18 1JJ
United Kingdom

2. The Domain Name(s):

lakshmimittal.co.uk

3. Notification of Complaint

I hereby certify that I am satisfied that Nominet has sent the complaint to the respondent in accordance with paragraphs 2 and 4 of the Procedure.

Yes No

4. Rights

The complainant has, to my reasonable satisfaction, shown Rights in respect of a name or mark which is identical or similar to the Domain name.

Yes No

5. Abusive Registration

The complainant has, to my reasonable satisfaction, shown that the domain name lakshmimittal.co.uk is an Abusive Registration

Yes No

6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances

Yes No

7. Comments (optional)

I have reached this conclusion for similar reasons that I came to my conclusion in DRS8577. I have concluded that, on the balance of probabilities, the Complainant has Rights in a name which is similar to the Domain Name by virtue of its substantial Rights in the name, "Mittal". I do not think that the Complainant itself has Rights in the name Lakshmimittal even though this is the name of one of the Mittal family and the Chief Executive of the Complainant. It may well be that Lakshmi Mittal himself has Rights in this name, but he is not the Complainant in this case. In this case, the fact that the Respondent has selected the name "Lakshmimittal" i.e. the name of the Complainant's Chief Executive supports the Complainant's contention that the Domain Name is an Abusive Registration.

8. Decision

Transfer	<input checked="" type="checkbox"/>	No action	<input type="checkbox"/>
Cancellation	<input type="checkbox"/>	Suspension	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>		

.....
.....
.....
.....
.....

Signed: Nick Philips

Dated: 12th April 2011