

ADMINISTRATIVE PANEL DECISION

Compagnie Generale des Etablissements Michelin v. Navideh Mojtahedin Case No. DIR2023-0006

1. The Parties

Complainant is Compagnie Generale des Etablissements Michelin, represented by Tmark Conseils, France.

Respondent is Navideh Mojtahedin, Iran (Islamic Republic of).

2. The Domain Name and Registrar

The disputed domain name <michelinstar.ir> (the "Domain Name") is registered with IRNIC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 5, 2023. On July 5, 2023, the Center transmitted by email to IRNIC a request for registrar verification in connection with the Domain Name. On July 6, 2023, IRNIC transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (No information available) and contact information in the Complaint. The Center sent an email communication to Complainant on July 12, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amended Complaint. Complainant filed an amended Complaint on July 17, 2023.

The Center verified that the Complaint and the amended Complaint satisfied the formal requirements of the ".ir" Domain Name Dispute Resolution Policy (the "Policy" or "irDRP"), the Rules for ".ir" Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for ".ir" Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified Respondent of the Complaint, and the proceedings commenced on July 19, 2023. In accordance with the Rules, paragraph 5(a), the due date for Response was August 8, 2023. On August 17, 2023, the Center notified Respondent's default.

The Center appointed Marina Perraki as the sole panelist in this matter on August 22, 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

Complainant was created in 1889 and is active in the field of tire manufacturing and is also highly involved into travel publications (maps, guides, atlases, computerized products), vehicle racing (Formula One and Motorcycle Grand Prix, Superbike) and rallies. Complainant is also famous for its annual MICHELIN Guide, the travel/gastronomy guide that started being published in Europe in 1900 to encourage new drivers to take road trips to local attractions. Among other things, the guide included anonymous European restaurant reviews. MICHELIN STAR is a rating system used by Complainant since 1926 to grade restaurants on their quality. In 1926, the guide began to award “stars” for fine dining establishments, initially marking them only with a single star. Five years later (1931), a hierarchy of zero, one, two, and three stars was introduced, and in 1936, the criteria for the starred rankings were published. According to the Guide, one star signifies “a very good restaurant”, two stars are “excellent cooking that is worth a detour”, and three stars mean “exceptional cuisine that is worth a special journey”. The listing of starred restaurants is updated once a year and includes major restaurants worldwide. The guide now rates over 30,000 establishments in over 30 territories across the world and more than 30 million MICHELIN Guides have been sold worldwide since.

Complainant owns trademark registrations for MICHELIN including:

- International trademark registration No. 1245891, MICHELIN (word), registered on December 10, 2014;
- European Union trade Mark registration No. 013558366 MICHELIN (word), registered on April 17, 2015; and
- United States of America trademark registration No. 5775734 MICHELIN (word), registered on June 11, 2019.

Furthermore, Complainant owns/controls domain name registrations for MICHELIN, including <michelin.com> registered on November 30, 1993.

The Domain Name was registered on March 11, 2023 and it leads to a website related to Complainant’s activity, in the field of gastronomy/restauration, which prominently displays Complainant’s MICHELIN trademark and logo or at least an imitation thereof (the Website). In the Website, Respondent describes herself as “a lover of chocolate and cake” who “entered the world of food industry, especially sweets”. Gastronomy certifications obtained by Respondent are posted on the Website. The Website is used to promote Respondent food products. Furthermore, email servers have been configured on the Domain Name. The Website is clearly a deliberate attempt to impersonate Complainant and seek to present the website as endorsed/sponsored/approved by the Complainant.

5. Parties’ Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements that Complainant must satisfy with respect to the Domain Name:

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

A. Identical or Confusingly Similar

The Panel finds that the Domain Name is confusingly similar to the MICHELIN trademark of Complainant.

The Domain Name incorporates the trademark of Complainant in its entirety. This is sufficient to establish confusing similarity (*Magnum Piering, Inc. v. The Mudjacks and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#)¹). The addition of the word “star” in the Domain Name, does not avoid a finding of confusing similarity (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8).

The country code Top-Level Domain (“ccTLD”) “.ir” is disregarded, as ccTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)).

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent’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; or
- (ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if it has acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not replied to Complainant’s contentions and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per the Complaint, Respondent was not authorized to register the Domain Name.

There is no evidence that Respondent has been commonly known by the Domain Name.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant demonstrated, the Domain Name was used to host the Website to attempt to mislead consumers into thinking that the goods advertised on the Website are connected to or endorsed

¹ The Panel follows prior decisions under the irDRP and, given the similarities between the irDRP and UDRP, finds it appropriate to refer to UDRP jurisprudence, including reference to the “[WIPO Overview 3.0](#)”. See *Inter IKEA Systems BV (IISBV) v. Mohammadreza Mohammadian*, WIPO Case No. [DIR2018-0003](#).

by Complainant. Such use demonstrates neither a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the Domain Name (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)).

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered or Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainants who are the owner of the trademark or service mark or to a competitor of that Complainants, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or

(ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainants’ mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith.

Because the MICHELIN mark had been widely used and registered by Complainant before the Domain Name registration and enjoyed reputation, as repeatedly recognized (*Compagnie Generale Des Etablissements Michelin v. Vaclav Novotny*, WIPO Case No. [D2009-1022](#)), the Panel finds it more likely than not that Respondent had Complainant’s mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). Respondent should have known about Complainants’ rights, as such knowledge is readily obtainable through a simple browser search and also due to Complainants’ nature of business, provided also online, namely online sales (see *Caesars World, Inc. v. Forum LLC*, WIPO Case No. [D2005-0517](#); *Compart AG v. Compart.com / Vertical Axis, Inc.*, WIPO Case No. [D2009-0462](#)). Furthermore, Respondent is active in the culinary/food industry, just like Complainant. This affirms that Respondent knew of Complainant and registered the Domain Name with knowledge of Complainant and its industry (*Safepay Malta Limited v. ICS Inc*, WIPO Case No. [D2015-0403](#)).

The content of the Website gives the impression that it is endorsed by Complainant, prominently displaying MICHELIN trademark and logo on the Website, thereby giving the false impression that the Website emanates from or is endorsed by Complainant. The Domain Name operated by intentionally creating a likelihood of confusion with Complainant’s trademark and business as to the source, sponsorship, affiliation, or endorsement of the Website to which it leads. This is indicative of bad faith registration and use (*Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); [WIPO Overview 3.0](#), section 3.1.4).

Under these circumstances and on this record, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Complainant has established 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 <micelinstar.ir> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: September 5, 2023