ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Compagnie Générale des Etablissements Michelin v. Phil Howard, Kithcen 47
Case No. D2025-4141

1. The Parties

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

The Respondent is Phil Howard, Kithcen 47, United Kingdom.

2. The Domain Names and Registrar

The Disputed Domain Names <michelinfoodserve.com>, <michelinfoodserve.net>, <michelinserve.com>, <michelinserve.net>, <servemichelinfoodserve.com>, and <servemichelinfoodserve.net> (the "Disputed Domain Names") are registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 9, 2025. On October 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On October 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (UNKOWN) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 13, 2025, 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 October 16, 2025.

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 October 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 10, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on November 13, 2025. 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, founded in 1889, is a corporation organized under the laws of France that operates a business with a presence in many countries selling tires, and the authoritative Michelin Guide that ranks fine dining establishments by awarding "Michelin Stars". The Complainant has a strong reputation in the field of tire manufacturing for cars, trucks, motorcycles, and planes. It is also highly involved in travel publications (maps, guides, atlases, computerized products) and vehicle racing (Formula One and Motorcycle Grand Prix, Superbike) and rallies.

While the Michelin brand is well-known for its tires, the Complainant is also famous for its annual Michelin Guide. The Complainant is also famous for its Michelin Star rating system which grades restaurants on their quality.

The Complainant owns various word and figurative trademarks for the MICHELIN mark. The relevant trademark registrations include, inter alia, the International Trademark Registration No. 1254506 for MICHELIN in Classes 9, 35, 38, 39, 41, and 42 registered on December 10, 2014 designated in Japan, Norway, Türkiye, and Switzerland, and the European Trademark Registration No. 013558366 for MICHELIN in Classes 9, 35, 38, 39, 41, and 42 registered on April 17, 2015 (the "Complainant's Trademark").

All of the Disputed Domain Names were registered on October 6, 2025, many years after the Complainant registered the Complainant's Trademark. According to the Complainant, at the time of filing of the Complaint:

- the Disputed Domain Names <michelinfoodserve.com>, <michelinserve.com>, and <michelinserve.net>, resolved to websites displaying the Complainant's Trademark and a logo "  " similar to the Complainant's mascot Michelin Man (Bibendum). The background of each of these websites display an image of culinary activities.

- the Disputed Domain Names <michelinfoodserve.net>, <servemichelinfoodserve.com>, and <servemichelinfoodserve.net> resolved to websites advertising an organization named "Processing", which invited Internet users to make donation to "Processing Foundation" to support software development, education, fellowships, and community events.

At the time of the rendering of this Decision:

- the Disputed Domain Names <michelinfoodserve.com>, <michelinserve.com>, and <michelinserve.net> resolved to inactive websites.

- the Disputed Domain Names <michelinfoodserve.net>, <servemichelinfoodserve.com>, and <servemichelinfoodserve.net> resolved to a website featuring software programming content. Clicking embedded links on that website redirects users to the website "www.processing.org", which promotes the "Processing" software and invites donations to the Processing Foundation to support software development, education, fellowships, and community events.

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 Names.

Notably, the Complainant contends that:

(a) The Disputed Domain Names are confusingly similar to the Complainant's Trademark. The Disputed Domain Names all wholly incorporate the Complainant's Trademark. The mere addition of the terms such as "food" and "serve" do not negate a finding of confusing similarity. The addition of the descriptive terms "food" and "serve" in combination with the Complainant's Trademark reinforces the risk of confusion in the minds of Internet users as they are directly related to the Complainant's business. The addition of the generic top-level domain ("gTLD"), such as ".com" and ".net", should be disregarded when determining whether a Disputed Domain Name is confusingly similar to the Complainant's Trademark.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Names. The Complainant has not authorized any third-party to identify itself to the public as the Complainant's Trademark or the Disputed Domain Names. The Respondent has no legitimate reason to incorporate the Complainant's Trademark in the Disputed Domain Names. The fact that three of the Disputed Domain Names resolved to websites that are similar to the Complainant's official website and displayed the Complainant's Trademark and the Complainant's well-known Michelin Man (Bibendum) shows that the Respondent was well aware of the Complainant's activities and the Complainant's Trademark. The Respondent has taken advantage of the Complainant's commercial interest in the Complainant's Trademark by registering and using the Disputed Domain Names.

(c) The Respondent has registered the Disputed Domain Names and are using them in bad faith. Given the well-known nature of the Complainant's Trademark, the Respondent must have been fully aware of the existence of the Complainant's Trademark when the Respondent registered and used the Disputed Domain Names. Furthermore, the contact information provided by the Respondent when he registered the Disputed Domain Names appears to be fanciful and false which is further evidence of bad faith. The Respondent of several completed and ongoing UDRP proceedings (e.g. *Compagnie Generale des Etablissements Michelin v. Phil Howard, Kithcen 47,* WIPO Case No. D2025-3315, and *Compagnie Generale des Etablissements Michelin v. Phil Howard*, WIPO Case No. D2025-2532) and has without authorization registered a number of domain names which reproduce the Complainant's Trademark in order to mislead Internet users. The Respondent's pattern of conduct in registering domain names that include the Complainant's Trademark is to prevent the Complainant from reflecting the Complainant's Trademark in a corresponding domain name. Three of the Disputed Domain Names resolved to websites which displayed the Complainant's Trademark and the Complainant's mascot Michelin Man (Bibendum) to falsely impersonate the Complainant and to take advantage of the Complainant's goodwill and reputation to divert traffic to the Respondent's websites. The other three of the Disputed Domain Names resolved to websites specializing in software, which capitalized on the Complainant's goodwill and diverted traffic towards other websites.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

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

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 Names. 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 entirety of the Complainant's Trademark is reproduced within each of the Disputed Domain Names.

Furthermore, the gTLD in this case ".com" and ".net" may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the each of the Disputed Domain Names is confusingly similar to the Complainant's Trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.11.1.

Although the addition of other terms (here, "food" and "serve") may bear on the assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between each of the Disputed Domain Names and the Complainant's Trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The Panel finds the first element of the Policy has been established.

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 recognized 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.

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to any of the Disputed Domain Names, or that the Respondent has become commonly known by the any of the Disputed Domain Names. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark.

The Respondent purportedly used the websites in connection with three disputed domain names (namely, <michelinfoodserve.com>, <michelinserve.com>, and <michelinserve.net>) to impersonate or pass itself off as the Complainant by purportedly featuring the Complainant's Trademark and a logo highly resembling the Complainant's mascot Michelin Man (Bibendum). The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that these Disputed Domain Names are associated with, or originate from the Complainant. These websites attempt to divert business away from the Complainant while capitalizing on the goodwill associated with the Complainant's Trademark. Panels have held that the use of a domain name for illegitimate activity, in this case claimed impersonation or passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1. The Panel notes that at the time of rendering of this Decision, each of these Disputed Domain Names (namely, <michelinfoodserve.com>, <michelinserve.com>, and <michelinserve.net>) resolved to an inactive website. Furthermore, the Respondent has not provided any evidence of ongoing bona fide use of these Disputed Domain Names, nor any demonstrable preparations to use them in connection with a bona fide offering of goods or services. Accordingly, the current passive holding of these Disputed Domain Names weighs against a finding of rights or legitimate interests.

With regard to the other Disputed Domain Names (namely, <michelinfoodserve.net>, <servemichelinfoodserve.com>, and <servemichelinfoodserve.net>), at the time of the rendering of this Decision these Disputed Domain Names all redirected to a website showing details of software programming and solutions. By clicking the links embedded in that website, Internet users would be redirected to another website "www.processing.org" promoting the "Processing" software and inviting Internet users to support them by making a donation to the Processing Foundation for software development, education, fellowship and community events. By redirecting Internet users to unrelated third-party websites, the Respondent seeks to capitalise on the goodwill attached to the Complainant's Trademark and divert internet traffic away from the Complainant.

Furthermore, the reproduction of the Complainant's Trademark together with other terms, such as "food" and "serve", which directly relate to the Complainant's business, also leads to a risk of implied affiliation as the Disputed Domain Names effectively impersonate or suggest sponsorship or endorsement by the Complainant. See section 2.5.1 of the WIPO Overview 3.0.

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 Names. 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 Names such as those enumerated in the Policy or otherwise.

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, the Panel notes that the it is difficult to conceive of any plausible use of the Disputed Domain Names that would amount to good faith use, given that each of the Disputed Domain Names reproduces the Complainant's Trademark in its entirety and incorporates other descriptive terms (such as "food" and/or "serve") that are directly related to the Complainant's business. Three of the Disputed Domain Names (namely, <michelinfoodserve.com>, <michelinserve.com>, and <michelinserve.net>) purportedly resolved to websites which impersonated the Complainant by featuring the Complainant's Trademark and a sign similar to the Complainant's mascot Michelin Man (Bibendum). The Panel finds the Respondent registered these Disputed Domain Names to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's Trademark. Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, constitutes bad faith. WIPO Overview 3.0, section 3.4.

With respect to the other three Disputed Domain Names (namely, <michelinfoodserve.net>, <servemichelinfoodserve.com>, and <servemichelinfoodserve.net>), the Panel notes that these Disputed Domain Names resolved to websites which provide information on software development and programming and invite donation to "Processing Foundation". The Respondent has registered and has been using these Disputed Domain Names to mislead and divert Internet users to its websites by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of its websites.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. D2013-0091). The Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Names given the well-known nature of the Complainant's Trademark and the fact that it was put into use well before the Respondent registered the Disputed Domain Names.

The Panel notes that at the time of rendering of this Decision, three of the Disputed Domain Names (namely, <michelinfoodserve.com>, <michelinserve.com>, and <michelinserve.net>) now resolve to inactive websites. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's Trademark, and the composition of these Disputed Domain Names, the prior use of these Disputed Domain Names in connection with impersonation websites, and the Respondent's failure to file a response, and finds that in the circumstances of this case the passive holding of these Disputed Domain Names does not prevent a finding of bad faith under the Policy.

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 Names <michelinfoodserve.com>, <michelinfoodserve.net>, <michelinserve.com>, <michelinserve.net>, <servemichelinfoodserve.com>, and <servemichelinfoodserve.net> be transferred to the Complainant.

/Gabriela Kennedy/
Gabriela Kennedy
Sole Panelist
Date: December 1, 2025