

ADMINISTRATIVE PANEL DECISION

Compagnie Generale des Etablissements Michelin v. jeerayut khampo, val
Case No. D2024-1535

1. The Parties

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

The Respondent is jeerayut khampo, val, Thailand.

2. The Domain Name and Registrar

The disputed domain name <michelinbangkokreview.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 11, 2024. On April 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 11, 2024, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 18, 2024, 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 May 3, 2024.

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 May 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 31, 2024. 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 a limited company registered in France. It is a tyre manufacturer and a publisher of travel and restaurant guides.

The Complainant (or its associated entities) is the owner of trademark registrations for the mark MICHELIN in numerous territories. Such registrations include:

- International trademark registration number 1254506 for the word mark MICHELIN, registered on December 10, 2014;
- European Union trademark registration number 013558366 for the word mark MICHELIN, registered on April 17, 2015; and
- United States trademark registration number 5775734 for the word mark MICHELIN, registered on June 11, 2019.

The Complainant's trademark MICHELIN has been found by previous panels under the UDRP to have attained the status of a "famous" or "well-known" trademark (see e.g., *Compagnie Generale Des Etablissements Michelin v. Vaclav Novotny*, WIPO Case No. [D2009-1022](#)).

The Complainant is also the owner of France trademark number 4827231 for a figurative trademark in the form of a stylized star (the "Star Trademark") registered on April 8, 2022.

The Complainant operates a website at "www.guide.michelin.com". The website includes hotel and restaurant recommendations in locations around the world, including Bangkok, Thailand. The Complainant's most highly rated restaurants receive a "star" rating of between one and three stars, using the Star Trademark.

The disputed domain name was registered on August 1, 2023.

The disputed domain name has resolved to a website presented primarily in the Thai language, although headed "MICHELIN BANGKOK REVIEW" in English. The website both recommends and contains links to a number of restaurants in Thailand. It makes prominent use of the MICHELIN trademark and the Star Trademark and includes a detailed description of the Complainant's star rating system.

5. Parties' Contentions

A. Complainant

The Complainant submits that it has published a travel and gastronomy guide since 1900 and adopted its star rating system in 1926. It states that it now rates over 30,000 establishments in over 30 countries worldwide and that it has sold over 30 million MICHELIN branded guides since inception.

The Complainant submits that the disputed domain name is confusingly similar to its MICHELIN trademark. It contends that the disputed domain name wholly incorporates its MICHELIN trademark, and that the addition of the geographical term "bangkok" and the descriptive term "review" do not dispel the confusing similarity between the disputed domain name and the trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never authorized the Respondent to use its well-known MICHELIN trademark and that the Respondent is making no legitimate use of the disputed domain name. It contends that the Respondent can only have registered the disputed domain name for the purpose of misrepresenting a legitimate link with the Complainant and taking unfair advantage of the Complainant's commercial interest in the MICHELIN mark.

The Complainant submits that the disputed domain name was registered and has been used in bad faith. It asserts that there can be no explanation for the Respondent's adoption of its MICHELIN trademark other than to misrepresent a connection with that trademark and that the registration was obviously not coincidental. The Complainant contends that the Respondent has used the disputed domain name to impersonate the Complainant by presenting its website as having some legitimate connection with the Complainant, its MICHELIN trademark and the Star Trademark and rating system. The Complainant submits that the Respondent is using the reputation and goodwill that attaches to its MICHELIN trademark by promoting links to commercial partners from whom it receives revenues.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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

The Complainant has established that it is the owner of registered trademark rights for the mark MICHELIN. The disputed domain name wholly incorporates that mark, together with the additional terms "bangkok" and "review", which do not prevent a finding of confusing similarity between the Complainant's trademark and the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. Moreover, considering the composition of the disputed domain name and the content therein, the Panel finds that the Respondent has used the disputed domain name misleadingly to represent a commercial affiliation with the Complainant's MICHELIN trademark, which cannot give rise to rights or legitimate interests on the part of the Respondent. [WIPO Overview 3.0](#), section 2.5.1. The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Panel finds the Complainant's MICHELIN trademark to be distinctive and widely known around the world in connection with, among other goods and services, the Complainant's travel and restaurant guides. The disputed domain name incorporates that trademark and uses it in connection with a website promoting restaurants in Thailand. The Respondent offers no explanation for its choice of the disputed domain name and the Panel finds in the circumstances that the Respondent registered the disputed domain name in the knowledge of the Complainant's MICHELIN trademark and with the intention of deriving unfair commercial advantage from that trademark. Indeed, the Panel finds the disputed domain name to be inherently misleading, in inevitably misrepresenting to Internet users that it must be owned or operated by, or otherwise legitimately connected with, the Complainant.

The Respondent has used the disputed domain name for a website which provides recommendations of, and links to, restaurants in Thailand. The website makes prominent use of the Complainant's MICHELIN trademark and the Star Logo and provides an explanation of the Complainant's star rating system. The Panel finds that the website is intended to misrepresent to Internet users that it is endorsed by, or has some legitimate connection with the Complainant, and that the Respondent is likely to derive commercial revenues from the links contained on the website. The Panel therefore finds that, 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 trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has been registered and is being used in bad faith.

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 <michelinbangkokreview.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: June 10, 2024