

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Etablissements Michelin v. Julia Owens  
Case No. D2025-0390

### **1. The Parties**

The Complainant is Compagnie Générale des Etablissements Michelin, France, represented by Dreyfus & associés, France.

The Respondent is Julia Owens, Canada.

### **2. The Domain Name and Registrar**

The disputed domain name <michelin-de.com> is registered with Hongkong Kouming International Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 31, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 6, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On February 6, 2025, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On February 7, 2025, the Complainant confirmed its request that English be the language of the proceeding.

The Center verified that the 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 February 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 3, 2025.

The Center appointed Jacob Changjie Chen as the sole panelist in this matter on March 7, 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 is a leading tire company and ranking number one worldwide for tires. Headquartered in France and present in 171 countries, the Complainant operates 117 tire manufacturing facilities and sales agencies in 26 countries including Germany, and has more than 124,000 employees.

The Complainant is the owner of the following MICHELIN trademark registrations:

- Canadian registration MICHELIN No. TMA629284, registered on January 4, 2005, in classes 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 24, 25, 38 and 43; and
- International registration MICHELIN No. 1713161, registered on June 13, 2022, in classes 6, 7, 9, 12, 16, 20, 35, 37, 39, 41 and 42.

In addition, the Complainant owns, among others, the domain name <michelin.com>, which was registered on December 1, 1993, and operated by the Complainant as official website.

The disputed domain name was registered on December 20, 2024, and is resolving to a website promoting Michelin branded products in the language of German.

#### **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 name.

Notably, the Complainant contends that:

- (i) the disputed domain name reproduces the Complainant's trademark in its entirety and is virtually identical or at least confusingly similar to the MICHELIN trademark.
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, among which that: (1) the Respondent is neither affiliated with the Complainant nor authorized by the Complainant to use and register its trademark, or to seek registration of any domain name incorporating its trademark; (2) the Respondent is not commonly known by the disputed domain name or the name "Michelin"; and (3) the Respondent is making a non-legitimate use of the disputed domain name, with intent for commercial gain to misleadingly divert consumers from the Complainant's official website.

(iii) the disputed domain name was registered and is being used in bad faith for a number of reasons, among which that: (1) the Complainant is well known throughout the world and it is implausible that the Respondent was unaware of the Complainant when registering the disputed domain name; and (2) the website content evidences an attempt to capitalize on the Complainant's reputation, either by misleading consumers or by exploiting the goodwill attached to the MICHELIN trademark.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name includes only Latin characters which suggests that the Respondent has knowledge of languages other than Chinese; the Complainant is located in France and does not understand Chinese, so proceeding in Chinese would impose an undue financial burden on the Complainant.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **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 name. [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 MICHELIN mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the hyphen “-” and the term “de” which is commonly referring to the country code of Germany, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark 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.

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

The Complainant has produced evidence showing the disputed domain name is not accurately disclosing its relationship with the Complainant and creating a false affiliation with the Complainant. Panels have held that the use of a domain name for illegal activity such as passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Moreover, the composition of the disputed domain name, which combines the Complainant’s MICHELIN trademark with “-de” creates a risk of implied affiliation with the Complainant. 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 Complainant’s MICHELIN trademark long predates registration of the disputed domain name and is well known worldwide. The Panel determines that the Respondent must have been aware of the Complainant’s MICHELIN trademark at the time of registration but intentionally registered the disputed domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that the Respondent is using the disputed domain name in bad faith based on the substantial risk that the disputed domain name is being used to create a false affiliation with the Complainant. The disputed domain name incorporates in its entirety the distinctive MICHELIN trademark with the addition of the country code “de” and resolves to a website displayed in the language of German, which is very likely to cause confusion and mislead Internet users into believing that the website is affiliated with the Complainant and set up particularly for the German market. Panels have held that the use of a domain name for illegal activity (here, passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes 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 name <michelin-de.com> be transferred to the Complainant.

*/Jacob Changjie Chen/*

**Jacob Changjie Chen**

Sole Panelist

Date: March 24, 2025