

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. Connie Seay, Aboki Case No. D2025-0638

1. The Parties

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

The Respondent is Connie Seay, Aboki, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <mcihelin.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 18, 2025. On February 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 18, 2025, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 19, 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 February 20, 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 February 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 14, 2025.

The Center appointed Ahmet Akgüloğlu as the sole panelist in this matter on March 19, 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, Compagnie Générale des Etablissements Michelin ("Michelin"), is a tire company that designs and distributes tires, and provides digital services, maps and guides for its clients.

The Complainant is the owner of the MICHELIN trademarks in several jurisdictions. International trademark numbered 771031 registered on June 11, 2001; European Union trademark numbered 001791243 registered on October 24, 2001; and United States trademark numbered 4126565 registered on April 10, 2012 are some of the Complainant's trademarks.

The Complainant is also the owner of the domain name <michelin.com> since December 1, 1993.

The disputed domain name <mcihelin.com> was registered on February 3, 2025. The disputed domain name consists of "mcihelin" and the generic Top-Level Domain ("gTLD") ".com" and resolves to an inactive page.

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;

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

The Complainant argues that the disputed domain name is identical or at least confusingly similar to the Complainant's MICHELIN trademark since the disputed domain name reproduces the MICHELIN trademark by replacing the order of the letters "i" and "c". The Complainant considers this method as "typosquatting" and points to some panel decisions recognizing that this method creates confusing similarity between the trademarks. The Complainant also asserts that the addition of the gTLD ".com" should be disregarded when assessing similarity since it is a standard registration requirement.

(b) The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant submits that they have never granted the Respondent any rights to use the MICHELIN trademark in the disputed domain name and the Respondent did not demonstrate any legitimate use of the disputed domain name. The Complainant also asserts that the composition of the disputed domain name constitutes "typosquatting" and the Respondent is trying to deceive consumers into thinking that the disputed domain name is related to the Complainant using this method. Moreover, the Complainant submits that there might be a risk that the Respondent was engaged in a phishing scheme since the email servers have been initially configured on the disputed domain name and all aforementioned actions show that the Respondent has no rights or legitimate interests in respect to the disputed domain name.

- (c) The disputed domain name was registered and is being used in bad faith.

The Complainant states that their MICHELIN trademark is well-known, and this is accepted by the previous UDRP panels. Therefore, the Complainant submits that the Respondent registered the disputed domain name after the Complainant's well-known MICHELIN trademark registration dates and it is not possible that the Respondent did not know about the Complainant's trademark. Also, the Complainant underlines that the disputed domain name is currently inactive, mentioning that passive holding does not preclude a finding of bad faith. The Complainant also asserts that email servers were configured on the disputed domain name, and the use of an email address with the disputed domain name presents a risk of a phishing scheme, which is an indication of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the complainant prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

- (i) the disputed domain name is 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 name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

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 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. It is uncontested to the Panel that the Complainant has rights to MICHELIN trademark as a result of registrations as well as acquired reputation throughout the usage of the trademark globally.

The Panel finds the mark is recognizable 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.

The disputed domain name was formed by swapping the order of the letters "i" and "c" in the Complainant's MICHELIN trademark. UDRP Panels consider domain names which consist of a common, obvious, or intentional misspelling of a trademark to be confusingly similar to the relevant mark for purposes of the first element (See [WIPO Overview 3.0](#), section 1.9). Therefore, the Panel finds the disputed domain name is confusingly similar to the Complainant's trademark.

The Panel also ignored the gTLD extension “.com” since it is viewed as a standard registration requirement and suggested as disregarded under the first element similarity test (See [WIPO Overview 3.0](#), section 1.11.1).

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.

It is accepted by the Panel that the Respondent has not been authorized by the Complainant to use its MICHELIN trademark. The Panel finds no indication that the Respondent is commonly known by the disputed domain name and the Respondent has not submitted any evidence to the contrary. The Panel also considers that the disputed domain name resolves to an inactive webpage, which is an indication of the lack of legitimate interests in the disputed domain name.

The Panel also acknowledges the risk of a phishing scheme since there are email addresses configured on the disputed domain name which consists of the typosquatted version of the Complainant’s trademark and agrees that this shows the lack of legitimate interest of the Respondent.

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 Respondent has registered the disputed domain name in bad faith since it is proven that the Complainant’s MICHELIN trademark is well-known (See *Compagnie Générale des Etablissements Michelin v. Way Su*, WIPO Case No. [D2016-2221](#)) and it is inconceivable that the Respondent was not aware of the MICHELIN trademark. The Respondent chose to register the disputed domain name even though it knew about the Complainant’s well-known trademark, hence it acted in bad faith. Therefore, the Panel agrees that the Respondent has registered the disputed domain name in bad faith.

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 reputation of the Complainant's trademark, the composition of the disputed domain name consisting of a misspelled version of the Complainant's trademark, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

It is confirmed by the Panel that the disputed domain name resolves to an inactive webpage. Previous UDRP 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 and set out the factors considered in applying the doctrine. In the present case it is proven that; (i) the Complainant's MICHELIN mark is distinctive and well-known, (ii) the Respondent has failed to submit a response to the Complaint or provide any evidence of good faith use, (iii) the Respondent has taken steps to conceal its identity through use of a privacy service, and (iv) there is no conceivable good faith use to which the disputed domain name could be put by the Respondent.

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 acknowledges the risk of a phishing scheme due to e-mail addresses configured on the disputed domain name, which further supports a finding of bad faith. 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 <mcihelin.com> be transferred to the Complainant.

/Ahmet Akgüloğlu/

Ahmet Akgüloğlu

Sole Panelist

Date: April 4, 2025