

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Établissements Michelin v. linken matrin  
Case No. D2025-0676

### **1. The Parties**

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

The Respondent is linken matrin, Hong Kong, China.

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

The disputed domain names <michelin-key.cyou>, <michelin-keygroup.shop>, <michelin-key.top>, and <michelin-key2.cyou> are registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 21, 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 (UNKNOWN/ REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 in English on February 24, 2025.

On February 21, 2025, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain names is Chinese. On February 24, 2025, the Complainant submitted its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on February 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on April 1, 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, created in 1889, is a French corporation operating business with a presence in many countries selling tires. It is also involved into travel publications since 1900 and has promoted its brand MICHELIN for more than a century. Particularly, it offers since 1926 the authoritative Guide Michelin that ranks fine dining establishments by awarding "Michelin Stars". 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. The number of "Michelin Stars" has become a reference and a standard when assessing a restaurant.

The Complainant owns over a hundred trademarks containing the term "Michelin" globally, including the following: International Trademark Registration No.1254506 for MICHELIN, registered on December 10, 2014, United States of America ("US") Registration No. 5775734 for MICHELIN, registered on June 11, 2019, and Chinese Trademark Registration No. 3849509, registered on October 14, 2006.

The Complainant also registered and used various domain names incorporating the mark MICHELIN, including the domain name <michelin.com>, registered on December 1, 1993.

The disputed domain names were respectively registered on December 2, 2024 for <michelin-key.top>, December 2, 2024 for <michelin-key.cyou>, December 7, 2024 for <michelin-key2.cyou>, and December 7, 2024 for <michelin-keygroup.shop>. At the time of filing of the Complaint, the disputed domain names resolved to inactive websites. Moreover, there had been an active subdomain <m.michelin-key.top> under the disputed domain name <michelin-key.top>, which had been used for an allegedly false webpage aimed to collect account number and password information from users, with unauthorized use of the Complainant's mark MICHELIN as well as its copyrightable starshaped logo. The contract terms in this webpage also used the MICHELIN mark without authorization, claiming the service offered to be "operated by MICHELIN".

#### **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.

##### **B. Respondent**

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

## 6. Discussion and Findings

### 6.1 Preliminary Issue: 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: (1) the disputed domain names include English words such as “key” and “group”; (2) the subdomain name <m.michelin-key.top> of the disputed domain name <michelin-key.top> resolved to a website in English; and, (3) the Complainant is not able to communicate in Chinese, and the use of Chinese would cause additional costs and undue delay for the Complainant.

The Respondent has, moreover, been notified by the Center, in both Chinese and English, of the language of the proceeding, and the deadline for filing a Response in Chinese or English. The Respondent did not make any specific submissions with respect to the language of the proceeding, nor did the Respondent file any Response.

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.

### 6.2 Substantive Issues

#### 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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable generic Top-Level Domains (“gTLD”), “.cyou”, “.shop” and “.top” in the disputed domain names do not change this finding, since the gTLD, as a standard registration requirement, is generally disregarded under the first element test. [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 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 notes that the composition of the disputed domains names themselves carries a risk of implied affiliation with the Complainant, where the disputed domain names consist of the entirety of the Complainant’s mark plus a hyphen and the terms of “keygroup”, “key”, or its misspelled version of “key2”, which connote the Complainant’s services “MICHELIN Key”. Where a domain name consists of a trademark plus an additional term, panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. The available record shows that the Respondent is not affiliated or otherwise authorized by the Complainant or held any registration of the MICHELIN mark anywhere. There is no evidence indicating that the Respondent may be commonly known by the disputed domain name.

The disputed domain names resolve to inactive pages, showing that the Respondent did not make any use of or have made any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, neither did the Respondent make any legitimate noncommercial or fair use of the disputed domain names. It corroborates that the Respondent has no rights or legitimate interests in the disputed domain name.

The subdomain name <m.michelin-key.top> of the disputed domain name <michelin-key.top> was used for an allegedly false webpage prominently displaying the Complainant’s trademark and starshaped logo and aiming to collect users’ account number and password. Panels have held that the use of a domain name for illegitimate activity, here claimed phishing, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 used, without any license or authorization the Complainant’s trademark in full in the disputed domain names plus terms or their misspelled version. The Complainant’s trademark MICHELIN is globally well known, including in the region where the Respondent allegedly resides, and the Complainant’s registration and use of its mark much predate the Respondent’s registration of the disputed domain names, so the Respondent knew or should have known of the Complainant’s mark at the time of registering the disputed domain names. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

There is a clear absence of the Respondent's rights or legitimate interests in the disputed domain names as discussed under the section 6.2.B of the decision, coupled with the Respondent's failure to submit a response with any credible explanation for the Respondent's choice of as many as four disputed domain names within a short period, all of which comprise whole reproduction of the Complainant's mark. Also, the Respondent provided when registering the disputed domain names seemingly false contact information which proved unreachable through courier service. This, combined with the nature of the disputed domain names, leads the Panel to consider more likely than not that the Respondent's registration targets the Complainant, which constitutes 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.

At the time of filing of the Complaint, each of the disputed domain names resolved to an inactive page. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) 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 or reputation of the Complainant's trademark, the composition of the disputed domain names, and the Respondent's failure to submit a response, 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.

Moreover, the available record shows that a previously existing subdomain under <michelin-key.top> was used for an allegedly false webpage aiming to collect users' account number and password information, using without authorization the Complainant's famous MICHELIN mark and claiming relevant service offered to be from MICHELIN. The Panel is convinced that this highly likely involved an intention of phishing or similar malicious activities. Panels have held that the use of a domain name for illegitimate activity, here claimed phishing, 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 names 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 names <michelin-key.cyou> , <michelin-keygroup.shop>, <michelin-key.top>, and <michelin-key2.cyou> be transferred to the Complainant.

*/Hong Yang/*

**Hong Yang**

Sole Panelist

Date: April 15, 2025