

## **ADMINISTRATIVE PANEL DECISION**

### **Compagnie Générale des Etablissements Michelin v. Cysar Soriano Case No. D2025-0750**

#### **1. The Parties**

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

The Respondent is Cysar Soriano, Philippines.

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

The disputed domain name <asia-michelin.com> is registered with Hostinger Operations, UAB (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 27, 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 March 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 28, 2025.

The Center appointed Gilberto Martins de Almeida as the sole panelist in this matter on April 11, 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 Compagnie Générale des Etablissements Michelin, a globally known manufacturer of tires, active since 1889. As for its relevant trademarks, the Complainant has registered the trademark MICHELIN in the United States of America since June 2, 1970, under the number 892045. As for domain names, the Complainant has operated under the domain name <michelin.com> since December 1, 1993.

Regarding the disputed domain name, <asia-michelin.com>, it was registered on November 30, 2024, and the Complainant introduced evidence that the disputed domain name previously resolved to a website titled “Michelin Asia: Quality Tires for Every Need”; the website also reproduced the Complainant’s trademark and logo and purportedly offered tires for sale. The disputed domain name is currently inactive.

As for the Respondent, there is no information available beyond the information provided by the Registrar.

#### **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 the domain name was not registered for a bona fide offering of goods or services. Given the popularity of the Michelin brand, it is likely that the Respondent did in fact register the name for illegitimate purposes, as sustained by the Complainant.

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

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

#### **6. Discussion and Findings**

##### **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.

The entirety of the 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 other terms (here “asia”) may bear on assessment of the second and third elements, the Panel finds that the addition of such term 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 that 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 disputed domain name previously resolved to a website which reproduced the Complainant’s trademark and logo and purportedly offered tires for sale. Panels have held that the use of a domain name for here claimed impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. The composition of the disputed domain name furthers this impersonation, combining the Complainant’s well-known trademark and the geographic term “asia”, where the Complainant also does business. Together, this suggests sponsorship or endorsement by the trademark owner and therefore the nature of the disputed domain name creates a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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 was impersonating the Complainant by reproducing the Complainant’s trademark and logo and purportedly offering tires for sale on the website at the disputed domain name, and was intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s registered mark. Such use constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The disputed domain name no longer resolves to an active website. Considering the distinctiveness and reputation of the Complainant’s trademark, the composition and previous use of the disputed domain name, and the lack of the response from the Respondent, the Panel finds that the current non-use of the disputed domain name does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel finds that 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 determines that the disputed domain name <asia-michelin.com> be transferred to the Complainant.

*/Gilberto Martins de Almeida/*

**Gilberto Martins de Almeida**

Sole Panelist

Date: April 25, 2025