

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Etablissements Michelin v. tooru munakata,  
Sonoyama-domain-reserve-organization  
Case No. D2025-0929

### **1. The Parties**

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

The Respondent is tooru munakata, Sonoyama-domain-reserve-organization, Japan.

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

The disputed domain name <lunchmichelin.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2025. On March 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 7, 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 March 11, 2025.

On March 7, 2025, the Center informed the Parties in Japanese and English, that the language of the Registration Agreement for the disputed domain name is Japanese. On March 11, 2025, the Complainant requested English to 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 Japanese of the Complaint, and the proceedings commenced on March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 2, 2025.

The Center appointed Erica Aoki as the sole panelist in this matter on April 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 corporation organized under the laws of France that operates a business with a presence in many countries selling tires, and publishing the Michelin Guide that ranks fine dining establishments by awarding "Michelin Stars".

The Complainant has used and promoted its trademark MICHELIN for more than a century. The Complainant owns worldwide numerous trademark registrations for MICHELIN. The Complainant is notably the holder of the following trademarks:

- International Trademark Registration No. 1254506 for MICHELIN, registered on December 10, 2014, designating inter alia Japan;
- United States of America Trademark Registration No. 5775734 for MICHELIN, registered on June 11, 2019;
- European Union Trademark Registration No.013558366 for MICHELIN, registered on April 17, 2015.

The Complainant has registered and used various domain names incorporating the MICHELIN trademark, including, among others, the domain name <michelin.com>, which was registered on December 1, 1993, and the sub-domain name <guide.michelin.com>.

The disputed domain name, registered on October 1, 2018, directs to a Japanese website promoting inter alia various training courses, learning methods, qualifications.

#### **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.

The Complainant was created in 1889 and enjoys a strong reputation in the field of tire manufacturing for cars, trucks, motorcycles and planes. The Complainant is a well-known company that designs, manufactures and markets tires for several vehicle industries (car, truck, aviation) and is also highly involved into travel publications (maps, guides, atlases, 8 computerized products) and vehicle racing (Formula One and Motorcycle Grand Prix, Superbike) and rallies.

The Complainant owns registrations for MICHELIN trademarks in many countries around the world related to the tires production and sale as well as road maps and various guide publications in the field of restaurant, and in particular "multimedia publications in electronic form available online from databases in the field of travel, tourism and gastronomy or for services of editing and publication of guides".

The trademark MICHELIN is without doubt considered as well known in accordance with Article 6bis of the Paris Convention in the Convention countries due to its old and intensive use. The Complainant's trademark MICHELIN indeed has acquired a significant and indisputable reputation.

While the Michelin brand is well known for its tires, the Complainant is also famous for its annual Michelin Guide. The Complainant began publishing the travel/gastronomy guide in Europe in 1900 to encourage new drivers to take road trips to local attractions. Among other things, the Guide includes anonymous European restaurant reviews that focused on the quality and flavor of food served, as well as mastery of culinary technique and personality of the dishes.

Michelin Star is a rating system used by the Complainant since 1926 to grade restaurants on their quality. In 1926, the Guide began to award “stars” for fine dining establishments, initially marking them only with a single star. Five years later (1931), a hierarchy of zero, one, two, and three stars was introduced, and in 1936, the criteria for the starred rankings were published.

Thanks to its serious and unique approach for almost a century, the Michelin Guide has become best-sellers without equals: the guide now rates over 30,000 establishments in over 30 territories across the world and more than 30 million Michelin Guide have been sold worldwide.

The Complainant contends that the disputed domain name reproduces the Complainant’s trademark and the addition of the generic Top-Level Domain (“gTLD”) “.com”. Therefore, the Complainant contends that the disputed domain name is identical or confusingly similar to its well-known trademark since it contains the trademark MICHELIN.

Also, the addition of the generic term “lunch” does not prevent the disputed domain name from being confusingly similar to the Complainant’s MICHELIN trademark. It is a well-established principle of UDRP panels that the mere addition of a generic and/or descriptive word does not prevent a domain name from being confusingly similar to the trademark. In fact, the addition of the generic term “lunch” in the disputed domain name actually serves to increase the confusing similarity, as the word “lunch” corresponds to a meal eaten in the middle of the day, typically one that is lighter or less formal than an evening meal, reinforcing the risk of confusion in the minds of Internet users as it precisely targets the Complainant’s core businesses, i.e., the Michelin Guide which awards stars to fine dining establishments that offer lunches.

Therefore, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s earlier trademark MICHELIN.

The Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name, and the Respondent has registered and is using the disputed domain name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Japanese. 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 proceedings 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: (i) the disputed domain name is in Latin characters, rather than Japanese script and includes an English word “lunch”, and (ii) the disputed domain name resolves to a website where, in the footer of the home page, displayed the following sequence comprising English words: “Copyright ©lunchmichelin.com All rights reserved”.

The Panel also notes that although the Center notified the Respondent in English and Japanese regarding the language of the proceeding and commencement of the proceeding. The Respondent did not comment on the language of the proceeding nor did the Respondent submit any response in English or Japanese.

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 Confusing Similar**

Based on the facts in the present proceeding, this Panel finds that the Complainant has established its rights to the MICHELIN trademarks through registration and use. The Panel further finds that the disputed domain name is confusingly similar to the Complainant’s MICHELIN trademark, as the disputed domain name includes the Complainant’s mark entirely. The addition of the term “lunch” does not prevent a finding of confusing similarity (see sections 1.7 and 1.8 of the [WIPO Overview 3.0](#)).

The Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

### **B. Rights or Legitimate Interests**

The Respondent is in default and thus has made no affirmative attempt to show any rights or legitimate interests in the disputed domain name.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization. See section 2.3 of the [WIPO Overview 3.0](#).

There is no evidence on record that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark. Paragraph 4(c) of the Policy indicates that a respondent may have a right or legitimate interest in a domain name if it uses the disputed domain name in connection with a bona fide offering of goods or services prior to notice of the dispute.

In this regard, the Respondent is not connected with the Complainant and has not received any authorization to use any of the Complainant’s trademarks. The disputed domain name directs to a Japanese website promoting inter alia various training courses, learning methods, qualifications. The Respondent is taking advantage of the trademark MICHELIN’s reputation by directing Internet users to its own website, for possible commercial gain .

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Panel therefore finds that the Complainant has established an un rebutted prima facie case, i.e., that the Respondent has no rights or legitimate interests in the disputed domain name, under Policy, paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith.

The Complainant contends that the Respondent acquired the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's earlier marks. The Complainant's trademarks were registered long before the registration of the disputed domain name. Given the reputation of the Complainant's trademarks and the composition of the disputed domain name which incorporates the Complainant's trademarks in its entirety and the addition of the word "lunch" referring to the Complainant's business, the Respondent very likely registered the disputed domain name having the Complainant's trademarks in mind. Therefore, the Panel finds that it is most likely that the Respondent was aware of the Complainant's rights in the MICHELIN trademark at the time the disputed domain name was registered, indicating that such registration was made in bad faith.

The Respondent is intended to be misleading and attracting Internet users to its own website for promoting inter alia various training courses, learning methods, qualifications through creating a likelihood of confusion with the Complainant, for possible commercial gain. Indeed, the Respondent has the intention to use the confusingly similar disputed domain name to attract Internet users based on their mistaken belief that the Complainant may be the source of the website or that the Complainant may have sponsored or may be affiliated with the website, which constitutes bad faith under the Policy, paragraph 4(b)(iv).

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith under the Policy, paragraph 4(a)(iii).

### **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 <lunchmichelin.com> be transferred to the Complainant.

*/Erica Aoki/*

**Erica Aoki**

Sole Panelist

Date: April 16, 2025