

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Etablissements Michelin v. Jacqueline Noelke, ND Community

Case No. D2025-0970

### **1. The Parties**

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

The Respondent is Jacqueline Noelke, ND Community, United States of America ("United States").

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 10, 2025. On March 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 11, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Privacy Service Provided by Withheld for Privacy EHF) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 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 March 12, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 8, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on April 14, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a company that designs and distributes tires, digital services, maps and guides. The Complainant is present in 171 countries, has more than 124,000 employees and operates close to 117 manufacturing facilities and sales agencies in 26 countries, including in the United States where the Respondent is located. The Complainant is also known for its Michelin Guide, featuring ratings of restaurants around the world. It is sold in more than 30 million copies worldwide.

The Complainant owns trademark registrations of the MICHELIN trademark in numerous countries, such as International trademark registration No. 1713161, registered on June 13, 2022, and United States Registration No. 5775734, registered on June 11, 2019. The trademarks cover products and services relating to tourism, hospitality, restaurant, and gastronomy. The Complainant owns <michelin.com> since 1993.

The Domain Name was registered on January 5, 2025. The Domain Name appears not to have resolved to an active website. At the time of the Decision, the Domain Name resolved to an error 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 Domain Name. The Complainant documents registered trademark rights that predate the registration of the Domain Name. The Complainant argues that the trademark is "well-known" or "famous". The Complainant argues that the Domain Name is confusingly similar to the Complainant's trademark as the Domain Name reproduces the Complainant's trademark in its entirety. The addition of the generic term "marketing" to the Complainant's well-known trademark does not prevent a risk of confusion.

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant argues that the Respondent cannot establish rights in the Domain Name, as the Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. The Complainant submits that the Respondent has registered the Domain Name because of the connection to the Complainant, its trademark and goods and services.

Finally, the Complainant submits that the Complainant is well-known throughout the world. Based on this and the composition of the Domain Name, the Respondent must have been aware of the Complainant's trademark when the Respondent registered the Domain Name. The Complainant's trademark registrations predate the registration date of the Domain Name. Even if the Domain Name at present does not resolve to an active webpage, the Respondent can use the Domain Name to set up e-mail accounts which in turn may be used for phishing.

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

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The first element functions primarily as a standing requirement. The 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 established rights in its trademark MICHELIN. The Domain Name incorporates the Complainant's trademark with "marketing" added. The addition does not prevent a finding of confusing similarity, see [WIPO Overview 3.0](#), section 1.8. For the purposes of assessing confusing similarity under paragraph 4(a)(i) of the Policy, it is permissible for the Panel to ignore the generic Top-Level Domain ("gTLD") as it is viewed as a standard registration requirement, see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### **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. While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element, see [WIPO Overview 3.0](#), section 2.1.

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant. There is no evidence suggesting that the Respondent has any rights or legitimate interests in the Domain Name. Further, there is no evidence that the Respondent is commonly known by the Domain Name. The Respondent cannot establish rights in the Domain Name, as it has not made use of, or demonstrable preparations to use the Domain Name in connection with a bona fide offering. There is no evidence in the case file suggesting that the Respondent to present has used the Domain Name.

The Panel finds that the Complainant has made out a prima facie case showing that the Respondent has no rights or legitimate interests in the Domain Name, which has been unrebutted by the Respondent. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

### **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.

The Complainant's trademarks were registered long before the registration of the Domain Name, and the trademark MICHELIN is well-known. This, together with the composition of the Domain Name, suggests that the Respondent was aware of the Complainant's trademark when the Respondent registered the Domain Name.

The Domain Name was most likely registered to attract Internet users in the future. Moreover, Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith, see [WIPO Overview 3.0](#), section 3.1.4. The Respondent has not provided any evidence of good-faith use. All the above supports a finding of bad faith. In these circumstances, the current non-use of the Domain Name does not prevent a finding of bad faith under the doctrine of passive holding, see [WIPO Overview 3.0](#), section 3.3.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 the Domain Name <michelinmarketing.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: April 28, 2025