

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. Kristin Ludwick
Case No. D2025-1983

1. The Parties

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

The Respondent is Kristin Ludwick, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <michelinmama.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 19, 2025. On May 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 19, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 20, 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 May 21, 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 May 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2025. The Respondent sent email communications to the Center on May 22, June 13, and July 9, 2025.

The Center appointed Alistair Payne as the sole panelist in this matter on June 20, 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 leading and long-established tyre company based in France that also offers other services and products and publishes travel guides, hotel and restaurant guides, maps and road atlases. It is present in 170 countries, has more than 124,000 employees and operates 117 tyre manufacturing facilities and sales agencies in 26 countries. The Complainant's operations in North America and Mexico are substantial, its business revenue there amounting to more than USD10 billion per year, from the operation of 19 plants at 16 locations and the employment of 22,000 people.

The Complainant owns numerous trade mark registrations worldwide for its MICHELIN mark including International trade mark MICHELIN No. 771031, registered on June 11, 2001, designating a range of countries and United States trade mark registration 892045 registered on June 2, 1970. The Complainant also operates various websites to promote its goods and services including its website at www.michelin.com which it registered in 1993.

The disputed domain name was originally registered on March 11, 2025. It resolves to a page which states "Michelin Mama", "Launching Soon" and then has "Contact Us" and spaces for Internet users to enter their contact details and a message. At the foot of the page there is the following notice: "Copyright 2025 Michelin Mama".

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 it owns registered trade mark rights for its MICHELIN trade mark as set out above and that the disputed domain name wholly contains this mark. It says that the addition of a term such as the common English word "mama" does not prevent a finding of confusing similarity.

The Complainant further submits that the Respondent is not affiliated with the Complainant in any way, nor she has been authorised by the Complainant to use and register its MICHELIN trade mark, or to seek registration of any domain name incorporating that mark. Furthermore, the Complainant says that the Respondent has no prior rights in the disputed domain name as the registration of its MICHELIN trade marks preceded the registration of the disputed domain name by many years.

. It asserts that the Respondent has not made any reasonable and demonstrable preparations to use the disputed domain name considering that the disputed domain name resolves to a page under construction and that there is no evidence of the Respondent's intention to make a non-commercial or fair use of the disputed domain name. Further, in circumstances that the Respondent never answered the Complainant's agent's cease and desist letter, in spite of the Complainant's reminders, the Complainant says that this is further evidence that the Respondent has no rights or legitimate interest in the disputed domain name.

As far as registration and use in bad faith is concerned the Respondent submits that in view of the degree of renown attached to the MICHELIN mark and the ubiquitous nature of its brand internationally and on the Internet, it is implausible that the Respondent was unaware of the Complainant's rights in the MICHELIN mark when it registered the disputed domain name. The Complainant submits that the Respondent either did, or should have known, of the Complainant's mark before it registered the disputed domain name.

It says that the Complainant's MICHELIN trade mark registrations significantly predate the registration date of the disputed domain name and that a quick MICHELIN trade mark search would have revealed to the Respondent the existence of Complainant and of its trade mark and similarly that a Google search would have shown that that all the first results relate to the Complainant's products or news. Therefore, says the Complainant, the Respondent probably registered the disputed domain name based on the notoriety and attractiveness of the Complainant's trade mark and for its own purposes, in particular to divert internet traffic to its website and to generate clicks which would in turn generate revenue.

Noting that the disputed domain name resolves to a page under construction, the Complainant says that to the best of its knowledge, the Respondent has so far neither used nor made any demonstrable preparation to use the disputed domain name in connection with a bona fide offering of goods or services. It says that the Complainant is not making a commercial use of the disputed domain name but is rather using it to resolve to a website under construction which includes a feature that allows visitors to send a message by entering their name and email address and also offers the option to subscribe to a newsletter and displays a copyright notice at the bottom of the page. This, says the Complainant, does not amount to a bona fide offering of services but rather to the Respondent making an illegitimate use of the disputed domain name with intent for commercial gain by confusing and diverting Internet users to its website rather than to the Complainant's websites.

It further submits that reproducing a famous trade mark such as the MICHELIN mark in a disputed domain name in order to attract Internet users to a website under construction cannot be regarded as fair use or use in good and that it is likely that the Respondent registered the disputed domain name in order to prevent the Complainant from reflecting its trade marks in the disputed domain name. The Complainant submits that overall this type of conduct amounts to evidence of the Respondent's use of the disputed domain name in bad faith.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions but on 22 May 2025 her counsel sent an email to the Complainant's counsel indicating that she was prepared to discuss the case. Following the Complainant's counsel's request for a transfer of the disputed domain name by way of reply, the Respondent's counsel, on June 13, 2025 sent the following email to the Complainant's counsel on an "open" basis and copied to the Center:

"My client understands your requests and demands however at this point, I don't think you have met the burden of copyright infringement or that Ms. Ludwick is using this in that manner. As of now, it is a home page with no product or services stated. With that being said, she is willing to sign over the domain for the amount of \$1500.00. Please let me know if this is agreeable."

On July 9, 2025, the Respondent sent an email communication to the Center with a screen print containing information concerning the disputed domain name registration, and indicating the following:

"I'm not transferring anything. If you want it, you can buy it from godaddy when it comes back on the market in March 2028. I will not be doing anything with this website nor renewing the URL, so go chase someone else who is a real threat to the brand.

Stop contacting me."

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 trade mark 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 trade mark 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 the common English word "mama" may bear on assessment of the second and third elements, the Panel finds 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 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 Complainant has submitted that the Respondent is not affiliated with the Complainant in any way, nor has she been authorised by the Complainant to use and register its MICHELIN trade mark, or to seek registration of any domain name incorporating that mark. Furthermore, the Complainant has asserted that the Respondent has no prior rights in the disputed domain name as the registration of its MICHELIN trade marks preceded the registration of the disputed domain name by many years.

The disputed domain name currently resolves to a page under construction. The Complainant has submitted that this does not amount to the Respondent having made any reasonable and demonstrable preparations to use the disputed domain name and there is no evidence of the Respondent's intention to make a non-commercial or fair use of the disputed domain name. Further, in circumstances that the Respondent never answered the Complainant's agent's cease and desist letter, in spite of the Complainant's reminders, the Complainant has submitted this amounts to further evidence that the Respondent has no rights or legitimate interest in the disputed domain name.

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.

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 registered the disputed domain name many years after the registration of the Complainant's MICHELIN trade marks. The MICHELIN mark is distinctive and extremely well reputed worldwide and has been extensively used by the Complainant in its North American business prior to the registration of the disputed domain name by the United States based Respondent. In these circumstances and also considering that the Respondent failed to provide any explanation for its registration of the disputed domain name whether before or after these proceedings, the Panel finds that it is more likely than not that the Respondent was well aware of the Complainant's business and MICHELIN trade mark when she registered the disputed domain name.

The disputed domain name does not resolve to an entirely inactive website but rather to a webpage which appears to be an interim holding page which indicates that the "Michelin Mama" site is "Launching Soon" and which invites Internet users to enter their name and contact details and to leave a message and a box which they can tick to sign up for "updates, promotions and more".

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The Panel considers that this page goes beyond being a typical website for the passive holding of a domain name in that it seeks to interact with Internet users in relation to the Respondent's potential website and business promotions. In using the disputed domain name for this purpose it is seeking to intentionally attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's very well reputed MICHELIN mark as to the source, sponsorship, affiliation or endorsement of both the current website and future launch of the Respondent's MICHELIN MAMA business from that site or simply to seek to generate clicks which would in turn generate revenue for the Complainant.

In either case this amounts to evidence of registration and use of the disputed domain name in bad faith for the purposes of paragraph 4(b)(iv) of the Policy.

The Respondent's counsel asserted in her email that the website at the disputed domain name was a home page offering no goods or services. The Panel finds that even if in these circumstances the website at the disputed domain name was to be considered a passive holding by the Respondent, then considering the distinctiveness and very high degree of reputation attaching to the Complainant's MICHELIN trade mark, the failure of the Respondent to submit a formal response or to provide any evidence of actual or contemplated good-faith use, the Respondent's use of a privacy service to conceal her identity and in all of the circumstances, the implausibility of any good faith use to which the domain name may be put, that such passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. See [WIPO Overview 3.0](#), section 3.3.

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 < Michelinmama.com > be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: July 10, 2025