

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. second second
Case No. D2025-2071

1. The Parties

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

The Respondent is second second, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <michellnnorth.com> is registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 26, 2025. On May 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 30, 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 30, 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 June 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 25, 2025.

The Center appointed Estela Mariel de Luca as the sole panelist in this matter on July 22, 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 tire manufacturing company with headquarters in Clermont-Ferrand, France and operating in 170 countries.

The Complainant also maintains a presence in North America through its subsidiary, Michelin North America, Inc. ("Michelin North America"), headquartered in Greenville, South Carolina, United States.

The Complainant is the owner of the MICHELIN brand, including the following:

- International Trademark MICHELIN No. 771031, in classes 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 24, 25, 39, and 42, registered on June 11, 2001;
- United States trademark MICHELIN No. 4126565, in classes 36, 37, and 39, registered on April 10, 2012;
- United States trademark MICHELIN No. 892045, in class 12, registered on June 2, 1970.

Additionally, the Complainant also owns several domain names incorporating the MICHELIN mark, such as <michelin.com>, registered on December 1, 1993, and <michelinnorthamerica.com>, registered on March 10, 2010.

The disputed domain name was registered on March 7, 2025 and resolves to an inactive page. The Complainant provided evidence that the disputed domain name has been used to send communications purportedly sent from an employee of the Complainant's subsidiary Michelin North America.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied all three elements under the Policy to warrant the transfer of the disputed domain name.

Notably, the Complainant argues that the disputed domain name is confusingly similar to the Complainant's MICHELIN trademark by replacing the letter "i" with an additional "l". Furthermore, the addition of the term "north" could easily mislead Internet users into believing that the disputed domain name is endorsed by the Complainant or its subsidiary, Michelin North America, or that it resolves to an official website promoting goods and services intended for the North American market.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name and has not been authorized to use or register the MICHELIN trademark, nor to seek the registration of any domain name incorporating it. Although the disputed domain name does not currently resolve to an active website, it is being actively used for fraud purposes through its associated mail servers.

The Complainant contends that reproducing a well-known trademark in a domain name, without any license or authorization, cannot be considered a use in good faith. The Complainant also refers to several prior UDRP decisions where it has prevailed in disputes over domain names incorporating the MICHELIN mark, which has been recognized as "well-known" or "famous".

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

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

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's mark for purposes of the Policy (see [WIPO Overview 3.0](#), section 1.7). The replacement of the letter "i" with an "l", along with the addition of the term "north", does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy (see [WIPO Overview 3.0](#), section 1.8 and 1.9).

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 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.

Panels have consistently held that the use of a domain name for illegal activity – such as impersonation or passing off, as evidenced in this case – can never confer rights or legitimate interests upon 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 this case, the Panel observes that the Complainant's trademark enjoys a strong and longstanding international reputation.

Furthermore, the record shows that the disputed domain name was used for fraudulent purposes. On March 7, 2025, the Respondent sent an email from the address "[...]@michellnnorth.com", requesting an updated aging report for the account of Michelin North America, and signing as "Accounts Coordinator – Michelin North America". The message also included the MICHELIN logo. This is clear evidence of bad faith registration and use. [WIPO Overview 3.0](#), section 3.4.

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 <michellnnorth.com> be transferred to the Complainant.

/Estela Mariel de Luca/

Estela Mariel de Luca

Sole Panelist

Date: August 5, 2025