

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Établissements Michelin v. paul reyes, zap inc  
Case No. D2025-2344

### **1. The Parties**

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

The Respondent is paul reyes, zap inc, Philippines.

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

The disputed domain name <michelin-food.online> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2025. On June 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (“Privacy service provided by Withheld for Privacy ehf”) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 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 July 10, 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 July 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 4, 2025.

The Center appointed Dennis A. Foster as the sole panelist in this matter on August 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 famous manufacturer of tires and publisher of maps and travel guides that rate restaurants all over the world. Based in France, the Complainant began its activities at the end of the 1800s and has been in business continuously since that time. In conjunction with its business, the Complainant has registered numerous MICHELIN trademarks around the world, including:

International trademark registration no. 1254506, registration date December 10, 2014, international classes, among others, 9 for GPS for travel, 39 for travel itinerary information, and 41 for publishing and editing software. The registration includes countries as diverse as Norway and Japan.

United States of America trademark registration no. 5775734, registration date June 11, 2019, international classes, among others, 9 for GPS for travel, and 39 for travel itinerary information.

European Union trademark registration no. 013558366, registration date April 17, 2015, international classes, among others, 9 for GPS for travel, 39 for travel itinerary information, and 41 for publishing and editing software.

The Complainant has a substantial Internet presence, notably at <michelin.com> registered in 1993, and on social media platforms such as “X” (former “Twitter”).

The disputed domain name was registered on October 12, 2023, and was used it to direct Internet visitors to a gambling website.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant claims:

- The disputed domain name incorporates the Complainant’s MICHELIN trademark and the addition of the generic Top-Level Domain (“gTLD”) does not eliminate the identity or confusing similarity between the Complainant’s trademark and the disputed domain name;

- A domain name that incorporates a trademark may be confusingly similar to that trademark despite the addition of other words or terms;

- The addition of the term “-food” increases the risk of confusion because the Complainant is famous for its restaurant food guide business;

- The Complainant has not authorized the Respondent to use the Complainant’s MICHELIN trademark in a domain name;

- There is no legitimate reason why the Respondent would incorporate the Complainant’s famous trademark in the disputed domain name;

- The Respondent registered the disputed domain name without rights or legitimate interests;

- The Respondent must have had prior knowledge of the Complainant's MICHELIN trademarks;
- The Respondent uses the disputed domain name to redirect Internet traffic to a gambling website;
- The Respondent is using the disputed domain name to attract Internet users to his own website or that of an affiliated third party for commercial gain in violation of the Policy at paragraph 4(b)(iv), and;
- The Respondent also has MX (mail exchange) records which could be used for spamming or phishing attacks .

## **B. Respondent**

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

## **6. Discussion and Findings**

Pursuant to Policy paragraphs 4(a)(i) - (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, <michelin-food.online>, if the Complainant establishes that:

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

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

The first burden of proof for the Complainant under Policy paragraph 4(a)(i) is to show that it has trademark rights that are recognizable in the disputed domain name. In this regard, the Complainant has produced copies of a number of its MICHELIN trademarks which the Panel has detailed above in the Factual Background section of this Decision. The Panel notes that the Complainant's trademark is reproduced in its entirety in the disputed domain name, and that the term "-food" has been added. The Panel finds that the additional term "-food" does not prevent the disputed domain name from being confusingly similar to the Complainant's MICHELIN trademark which is instantly recognizable in the disputed domain name. WIPO Overview of Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.2.1, 1.7 and 1.8.

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

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

Owing to the inherent difficulty of proving a negative, it is well-settled under the Policy that in the first instance it is sufficient for the Complainant to make a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), section 2.1. In the present case, the Complainant asserts that it has not authorized the Respondent to use its MICHELIN trademark in the disputed domain name.

The Panel finds that this constitutes a prima facie case on the Complainant's behalf. 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.

Further, the Complainant has demonstrated that the Respondent is not using the disputed domain name in any of the ways the Policy cites at paragraph 4(c) that could indicate the Respondent to be able to demonstrate he has rights or legitimate interests in the disputed domain name. In fact, the Panel notes the composition of the disputed domain name, which carries a risk of implied affiliation with the Complainant, and that the Respondent is using the disputed domain name to redirect visitors to a gambling website where they are invited to pay money in order to gamble. The Panel finds the Respondent thus is not using the disputed domain name to make a bona fide offering of goods or services per Policy paragraph 4(c)(i) and amounts to a bad faith use of the disputed domain name, about which the Panel will detail more in the Bad Faith section below.

The Panel also finds that the Respondent is not commonly known by the disputed domain name per Policy paragraph 4(c)(ii), and is not using the disputed domain name to make a fair use or a non-commercial use per Policy paragraph 4(c)(iii).

The Panel therefore finds that the Complainant has demonstrated that the Respondent does not have rights or legitimate interests in the disputed domain name per Policy paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides four non-exhaustive ways in which the Complainant can demonstrate that the Respondent has registered and is using the disputed domain name in bad faith.

In the present case, the Respondent is using the confusingly similar disputed domain name to attract Internet visitors and then redirect them to a gambling website where they are asked to pay money to gamble. The Panel finds this is a direct violation of Policy paragraph 4(b)(iv) in that the Respondent is using the disputed domain name with the Complainant's famous MICHELIN trademark to attract visitors for financial gain. No doubt the Respondent knew exactly who the Complainant was and targeted it because of the worldwide fame of the Complainant's MICHELIN trademark and because the Respondent added the term "-food" well aware of the Complainant's restaurant rating business. The fame of the Complainant's MICHELIN trademark has been noted in other Policy decisions, for example *Compagnie Générale des Etablissement Michelin v. Travel and entertainment group/Tom Warsop*, WIPO Case No. [D2015-1657](#) ("The Complainant's name, trademark and activities are well-known throughout the world.").

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii) to show that the Respondent registered and is using the disputed domain in bad faith.

## **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 <michelin-food.online> be transferred to the Complainant.

/Dennis A. Foster/

**Dennis A. Foster**

Sole Panelist

Date: August 21, 2025