

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Établissements Michelin v. Domain Privacy,  
Domain Name Privacy Inc.  
Case No. D2025-2443

### **1. The Parties**

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

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

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

The disputed domain name <viiamichelin.com> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 20, 2025. On June 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 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 (Contact Privacy Inc. Customer 0174744970) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 June 23, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 28, 2025.

The Center appointed Nels T. Lippert as the sole panelist in this matter on July 30, 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 global tire manufacturing company established in 1889 and is present in 171 countries. The Complainant has more than 124,000 employees and operates 117 tire manufacturing facilities and sales agencies in 26 countries including the United States of America. In 1920 the Complainant launched the MICHELIN Guide which helped motorists plan trips, and in 1926 the Guide began to award stars for fine dining establishments. In 2001, the Complainant created the ViaMichelin subsidiary to develop digital services for travel assistance. Under the ViaMichelin name, the Complainant offers a wide range of services to both the general public and the business sector including mapping, route plans, on-line hotel booking, the Michelin Guide hotel, restaurant and tourist recommendations and weather and traffic reports. In 2015 ViaMichelin was deployed in 13 countries.

The Complainant has registered the MICHELIN and MICHELIN and design marks around the world including:

Canadian Registration No. TMA214191, registered on June 11, 1976;  
Canadian Registration No. TMA629284, registered on January 4, 2005;  
Canadian Registration No. TMA642596, registered on June 21, 2005; and  
European Union Registration No. 001791243, registered on October 24, 2001.

In addition, the Complainant is the owner of the following domain names which resolve to websites that promote the Complainant's services:

<michelin.com>, registered on December 1, 1993;  
<michelin.ca>, registered on October 6, 2000; and  
<viamichelin.com>, registered on November 7, 2000.

On May 7, 2025, the Complainant sent a cease-and-desist letter to the Respondent asserting its trademark rights and requesting transfer of the disputed domain name. The Respondent did not respond to this demand or several reminders sent by the Complainant.

The disputed domain name was registered on April 24, 2025. The Respondent is located in Cyprus.

At the time of filing the Complaint, the disputed domain name resolved to a parked page that displayed commercial links related to the Complainant's activities.

#### **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 its' MICHELIN trademark is well known or famous as recognized by panels in prior UDRP decisions and the disputed domain name is virtually identical to its' MICHELIN mark being preceded only by the typosquatting term "viiia". Thus, the disputed domain name directs unsuspecting Internet users away from the Complainant's <viamichelin.com> domain name and ViaMichelin website. The Complainant further alleges that the Respondent is neither affiliated with the Complainant nor authorized by the Complainant to use or register the Complainant's MICHELIN mark as part of a domain name.

Furthermore, the Complainant asserts that an email server has been configured on the disputed domain name, and this presents a risk that the Respondent is engaged in a phishing scheme. The Complainant additionally asserts that considering the worldwide reputation of the Complainant and its' MICHELIN mark and the high level of notoriety of the Complainant, the Respondent must have been aware of the existence of the Complainant and its' trademark at the time of registration of the disputed domain name and the purpose was to divert Internet traffic to its' website to generate clicks and generate revenue.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions

## **6. Discussion and Findings**

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

In this case, the Panel finds that as a result of the default, the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By defaulting and failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in Paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant's arguments that the Respondent has acted in bad faith.

## **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 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 term here, “viiä”, 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.

Furthermore, it is well established that the applicable Top-Level Domain in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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.

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 has not refuted any of the Complainant’s allegations of bad faith registration and use of the disputed domain name. Taking into account the Complainant’s reputation when the disputed domain name was registered, and the similarity between the Complainant’s domain name <viamichelin.com> and the disputed domain name, the Panel finds that the Complainant has established that the Respondent registered the disputed domain name primarily for the purpose of disrupting the business of the Complainant and by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s mark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

While the Complainant has made allegations that the disputed domain name may be used for illegal activity such as phishing, the Complainant has not offered any evidence of such activities. Nevertheless, the Panel notes that the nature of the disputed domain name which incorporates the Complainant’s registered

trademark in its entirety, and the use of a privacy shield to hide the Respondent's identity all additionally supports a finding of bad faith registration and use. [WIPO Overview 3.0](#), section 4.4.6.

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 <viiamichelin.com> be transferred to the Complainant.

*/Nels T. Lippert/*

**Nels T. Lippert**

Sole Panelist

Date: August 13, 2025