

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. Andrii Boiko,
Across The Award Llp
Case No. D2025-2466

1. The Parties

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

The Respondent is Andrii Boiko, Across The Award Llp, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <tires-michelin-us-66277-91.zone> is registered with eNom, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 23, 2025. On June 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 23, 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 (Whois Agent (320388383), Whois Privacy Protection Service, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 24, 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 27, 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 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2025.

The Center appointed María Alejandra López García as the sole panelist in this matter on July 25, 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 Compagnie Générale des Etablissements Michelin, a French leader company with a worldwide and long-established active presence (including digital) in the fields of tires, mobility, maps, restaurant guides, and gastronomy. The Complainant is present in 171 countries, has more than 124,000 employees, and operates 117 tire manufacturing facilities and sales agencies in 26 countries, including in the United States of America ("United States") and the United Kingdom.

Since 1889, the Complainant has been dedicated to constantly innovating the mobility of people and goods, thus contributing to the advancement of human progress. The Complainant holds the authorship of the worldwide recognized "Michelin Guide", which started in 1920 to help motorists plan their trips. Today, the guide rates over 30,000 establishments in over 30 territories across three continents, and more than 30 million guides have been sold.

The Complainant owns, among many others, the following trademarks:

- United States trademark for MICHELIN (word mark), registration No. 892045, filed on June 5, 1969, registered on June 2, 1970, and in force until December 2, 2030; in International Class ("IC") class 12;
- European Union trademark for MICHELIN (word mark), registration No. 001791243, filed on August 3, 2000, registered on October 24, 2001, and in force until August 3, 2030; in International Classes ("ICs") 6, 7, 12, 17 and 28;
- International Trademark for MICHELIN (word mark), registration No. 771031, registered on June 11, 2001, and in force until June 11, 2031; in ICs 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 24, 25, 39 and 42;
- United Kingdom trademark for MICHELIN (word mark), registration No. UK00904836359, filed on January 4, 2006, registered on March 13, 2008, and in force until January 4, 2026; in ICs 1, 3, 5, 6, 7, 8, 9, 11, 12, 14, 16, 17, 18, 20, 21, 24, 25, 26, 28, 34 and 39.

The Complainant also owns the domain names: <michelin.com> registered on December 1, 1993; and <michelin.co.uk> registered on April 22, 1997.

On May 7, 2025, the Complainant sent a cease-and-desist letter to the Respondent. Despite the Complainant's efforts, the Respondent did not provide any response.

The Respondent is reportedly located in London, United Kingdom.

The disputed domain name was registered on April 29, 2025, and resolves to a pay-per-click ("PPC") website with commercial links related to the Complainant's tire business.

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 the disputed domain name is confusingly similar to its well-known trademark MICHELIN.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is not affiliated or has it been authorized by the Complainant in any way to use and register its trademarks, or to seek registration of any domain name incorporating its trademarks; that the Respondent is not commonly known by the disputed domain name; that the disputed domain name resolves to a parking page displaying several links related to the Complainant's activities generating PPC revenues, which do not constitute a bona fide offering of goods or services nor establish any legitimate interest; that the Respondent is making a non-legitimate use of the disputed domain name, with intent for commercial gain to misleadingly divert consumers from Complainant's official website; that the Respondent did not answer the Complainant's cease-and-desist letter despite its reminders.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith, given that the Complainant's trademark significantly predates and is well-known at a worldwide level, including in the United Kingdom; that at the time of its registration, the Respondent "knew or should have known" about the existence of the Complainant's business and trademarks; that the composition of the disputed domain name confirms such knowledge; that the Respondent registered the disputed domain name through a privacy shield service to hide its identity and contact details, preventing to be contacted by the Complainant; that the Respondent also uses the disputed domain name in bad faith, given that it is confusingly similar to the Complainant's trademarks which will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's site; that based on the Complainant's trademark reputation the Respondent uses the disputed domain name to direct Internet users to a webpage displaying PPC links which are likely to generate revenues; that the use of a well-known trademark to attract Internet users to a website for commercial gain constitutes a use in bad faith according to the Policy.

B. Respondent

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

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3 (see *Compagnie Générale des Etablissements Michelin v. h*, WIPO Case No. [D2025-2048](#)).

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 trademark and the disputed domain name. [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 MICHELIN mark is recognizable 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, “tires”, “us”, the numerical suffix “66277-91” may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

As for the applicable generic Top-Level Domain (“gTLD”) “.zone”, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

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 disputed domain name resolves to a parking page website with active PPC links mostly related to and competing with the Complainant’s tire business, which constitutes clear evidence of commercial activity, misleading Internet users, and falsely suggesting an affiliation with the Complainant. [WIPO Overview 3.0](#), sections 2.5 and 2.9.

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.

Based on the evidence submitted, the Complainant's trademark rights considerably predate the disputed domain name registration. The disputed domain name is composed of a top well-known trademark as MICHELIN with additional terms (as described in Section A.), to build a PPC website with commercial links related to the Complainant's tire business, seeking to profit from the Complainant's goodwill and reputation; such facts, to this Panel, are sufficient to conclude that at the time of the registration of the disputed domain name, the Respondent knew the Complainant, and therefore it was registered and is being used in bad faith. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.2.

Additionally, in this case, the Panel finds that the Respondent's use of the privacy service was intended to prevent being contacted by the Complainant and/or being notified of a UDRP proceeding. [WIPO Overview 3.0](#), section 3.6.

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 <tires-michelin-us-66277-91.zone> be transferred to the Complainant.

/María Alejandra López García/

María Alejandra López García

Sole Panelist

Date: August 5, 2025