

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. Kenberly Green,
michelinus5.com

Case No. D2025-2609

1. The Parties

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

The Respondent is Kenberly Green, michelinus5.com, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <michelinus5.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2025. On July 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 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 (michelinus5.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 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 16, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 8, 2025.

The Center appointed Iris Quadrio as the sole panelist in this matter on August 18, 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 tire company worldwide and one of the sources of innovation in the global tire industry. Founded in 1889 and headquartered in Clermont-Ferrand, France, the Complainant has been at the forefront of innovation in the mobility industry for over 130 years. The Complainant is present in 171 countries, employs more than 124,000 people, and operates 117 tire manufacturing facilities and sales agencies in 26 countries.

The Complainant designs and distributes high-quality tires, services and solutions tailored to its customers' mobility needs. Beyond tire manufacturing, the Complainant also provides digital services, maps, and travel guides, including the renowned Michelin Guide, which has rated more than 30,000 establishments worldwide and sold over 30 million copies since its launch in 1920.

Over the years, the Complainant has received numerous awards for quality and innovation, including 88 initial quality awards from J.D. Power & Associates—four times more than all other tire manufacturers combined—and was named No. 1 Best Large Employer in the United States by Forbes magazine in 2018.

In North America, the Complainant operates through Michelin North America, which generates approximately USD 10.76 billion in annual revenue, employs 22,000 people, and operates 19 plants across 16 locations in the United States, Canada and Mexico.

The Complainant is the owner of the trademark MICHELIN in many jurisdictions, including international registration Reg. No. 771031, for classes 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 24, 25, 39, and 42, registered since June 11, 2001; United States Patent and Trademark Office (USPTO) Reg. No. 4126565, for classes 36, 37, and 39, registered since April 10, 2012; USPTO Reg. No. 892045, for class 12, registered since June 2, 1970; and European Union Intellectual Property Office (EUIPO) Reg. No. 1791243 for classes 6, 7, 12, 17, and 28, registered since October 24, 2001.

Likewise, the Complainant claims to have online Internet presence through its main domain name <michelin.com>, registered since December 1, 1993.

As demonstrated by the Complainant in Annex 6 to the Complaint, the Complainant tried to solve this matter amicably by sending a cease-and-desist letter to the Respondent on March 18, 2025, but did not receive a response.

Lastly, the disputed domain name was registered on March 12, 2025, and it resolves to a parking page under construction with active MX servers.

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.

The Complainant states that the disputed domain name <michelinus5.com> is confusingly similar to its trademark MICHELIN in which the Complainant has prior rights.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <michelinus5.com> and it is not related with the Complainant, nor has it established any activity and/or business with the Respondent.

More specifically, the Complainant alleged that the Respondent is passively holding the disputed domain name.

Finally, the Complainant requests the Administrative Panel appointed in this administrative proceeding that <michelinus5.com> be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with 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 disputed domain name; and
- (iii) the disputed domain name was registered and is being used 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 terms, here the number "5" and the geographic term "us", 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.

Moreover, the ".com" generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and is generally disregarded under the first element of the confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

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 claimed not to have authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the trademark MICHELIN, nor is there any other evidence in the file suggesting that the Respondent has or could have rights or legitimate interests in the disputed domain name. Also, the Complainant has prior rights in the MICHELIN trademark which clearly predate the Respondent’s registration of 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.

Even more, it does not seem that the Respondent made or is making a legitimate noncommercial or fair use of the disputed domain name. In fact, the Respondent is passively holding the disputed domain name, as it resolves to an “under construction” page.

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 such connection, the Complainant has submitted evidence to support that the trademark MICHELIN is widely known and was registered and used many years before the Respondent registered the disputed domain name. By registering the disputed domain name, the Respondent has targeted the Complainant’s trademark MICHELIN to create confusion among the Internet users and benefit from the Complainant’s reputation.

Therefore, the Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant’s trademark MICHELIN when it registered the disputed domain name. Consequently, and in accordance with Section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant’s MICHELIN trademark in the disputed domain name creates a presumption that the disputed domain name was registered on a bad faith basis.

The disputed domain name resolves to an “under construction” site. Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Even more, the Respondent has ignored the cease-and-desist letter from the Complainant, which aimed at resolving this matter amicably outside of this administrative proceeding.

Besides, the Complainant proved that MX records have been set up for the disputed domain name, which would enable the Respondent to send emails under a domain name that is confusingly similar to the Complainant's mark, such as phishing emails. This underscores the Respondent's bad faith in both registering and utilizing the disputed domain name.

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 <micelinus5.com> be transferred to the Complainant.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: September 1, 2025