

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Etablissements Michelin v. Phil Howard, Kithcen 47  
Case No. D2025-3162

### **1. The Parties**

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

The Respondent is Phil Howard, Kithcen 47, United Kingdom.

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

The disputed domain name <adminmichelin.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2025. On August 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 9, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 11, 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 August 12, 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 August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 7, 2025.

The Center appointed Uwa Ohiku as the sole panelist in this matter on September 10, 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 French company created in 1889. It is a leading tire manufacturing company with a commercial presence in 170 countries across all continents, over 124,000 employees and 117 tire manufacturing sites in 26 countries. The Complainant enjoys a strong worldwide fame and reputation in tire manufacturing and is also reputed for the MICHELIN Guide, which was first launched in the early 1900s, but began to award stars for fine dining establishments in 1926. The guide which has sold more than 30 million copies presently rates over 30,000 establishments across the world.

The Complainant has a presence in the United Kingdom through the Michelin Tyre Company Ltd, which was incorporated in 1905 and is involved in tire manufacturing, tire industry training, economic development and publishing. In addition, there are several Michelin-starred restaurants in the United Kingdom.

The Complainant owns several trademarks, among which are:

- International Trademark Registration No.771031 for MICHELIN, registered on June 11, 2001, in classes 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 24, 25, 39 and 42;
- International Trademark Registration No.1780534 for MICHELIN, registered on October 20, 2023, in classes 9, 10, 11, 19, 20, 22, 35, 41, 42 and 43; and
- United Kingdom Trademark Registration No. UK00907333834 for MICHELIN, registered on May 14, 2009, in classes 1, 8, 9, 11, 12, 16, 20, 21 and 28.

Previous panels have held that the Complainant's mark MICHELIN is well known, well established and reputed.

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

The Complainant has demonstrated in Annex 6 to the Complaint, that the Complainant tried to resolve this matter amicably, by sending a cease-and-desist letter to the Respondent on June 26, 2025 (with reminders sent on July 4, 2025, July 15, 2025 and July 24, 2025), asserting its rights to the Respondent and requesting a transfer of the disputed domain name, but did not receive a response from the Respondent.

The disputed domain name was registered on June 10, 2025. According to evidence submitted with the Complaint, at the time of filing of the Complaint, the disputed domain name resolved to an inactive page. At the time of this Decision, it is still inactive.

#### **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 as follows:

- That the disputed domain name is confusingly similar to the trademarks in which the Complainant has established rights;
- That the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- That the disputed domain name was registered and is being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel to “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.”

The Respondent failed to file a Response or to contest the Complainant's assertions, but this does not automatically mean that the Complainant has established each of the three elements required under the Policy for a transfer of the disputed domain name. The Panel will review the evidence provided by the Complainant to verify that all three elements of the Policy are indeed met. WIPO Overview of Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.3.

Further, under paragraph 5(f) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint, and under 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, the Panel shall draw such inferences therefrom as it considers appropriate.

The Panel has authority to decide the dispute, examining the three elements in paragraph 4(a) of the Policy, taking into consideration all the relevant evidence, annexed materials and allegations and carrying out limited independent research under the general powers of the Panel, amongst others, specified in paragraph 10 of the Rules.

### **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, thus satisfying the threshold requirement of having trademark rights for the purpose of filing a UDRP case. [WIPO Overview 3.0](#), section 1.2.1.

As to a side-by-side comparison, the entirety of the Complainant's mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is well established that the applicable Top-Level Domain in a domain name (in this case, “.com”) should be disregarded under the first element confusing similarity test, as it is a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

The addition of the term “admin” 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.

Consequently, the Panel finds that the first element of paragraph 4(a) of the Policy has been established.

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

The second element requires the Panel to examine whether the Respondent has any rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides the following non-exclusive circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name:

- (i) that before any notice of the dispute, the respondent has used or demonstrated preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) that the respondent (as an individual, business or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) that the respondent is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert customers or to tarnish the complainant's trademark or service mark.

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.

In the present case, the Complainant has demonstrated that it has not granted the Respondent any license, authorization or permission to use the MICHELIN trademark in the disputed domain name, nor is the Complainant otherwise affiliated with the Respondent. Further, the Respondent is not commonly known by the disputed domain name – indeed the Respondent's name "Phil Howard", along with its organization name "Kithcen 47" bear no resemblance whatsoever to "Michelin".

The composition of the disputed domain name and the Complainant's well-established and recognized trademark which has been registered in numerous jurisdictions prior to the disputed domain name and is being used extensively and has gained considerable notoriety, noting the lack of response, suggests, on the balance of probabilities, the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute 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. The Respondent's failure to respond to the Complainant's cease and desist letters and subsequently in these proceedings, further buttresses the Panel's conclusion that the Respondent has no rights or legitimate interests in the MICHELIN trademark.

The Panel finds the second element of the Policy has been established.

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

The third element of the Policy requires the Complainant to establish two things: that the disputed domain name was registered in bad faith, as well as is 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 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.

Examining the question of bad faith registration, the Panel notes that the Complainant's trademark has been protected extensively around the world for decades (including in the United Kingdom), substantially predating the date of registration of the disputed domain name, and previous panels have consistently held that the Complainant's trademark MICHELIN is well known. Further, the MICHELIN trademark is widely recognized and enjoys extensive consumer awareness globally, including in the United Kingdom where the Respondent is reportedly located. Given the above and in view of all the arguments presented by the Complainant, it is unlikely, on balance, that the Respondent was unaware of the Complainant's rights when selecting the disputed domain name. Further, the Respondent has not shown that it has any authorization from or affiliation with the Complainant.

Based on the unchallenged information and the evidence provided by the Complainant, the Panel finds that the disputed domain name was registered in bad faith.

Turning to the question of bad faith use, the Panel reaches a decision that the disputed domain name is being used in bad faith based notably on the following circumstances:

- the high probability that the Respondent was aware or should have been aware of the Complainant's rights in the trademark MICHELIN, given the presence of the Complainant and the Complainant's business activities in the United Kingdom and the notoriety which the Complainant's trademark enjoys;
- the composition of the disputed domain name vis-à-vis the Complainant's trademark;
- the lack of a response from the Respondent either to counter the Complainant's cease-and-desist letter and reminders, or to deny the assertions of bad faith made by the Complainant; and
- passive holding of the disputed domain name and lack of evidence of any actual or contemplated good-faith use.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <adminmichelin.com> be transferred to the Complainant.

*/Uwa Ohiku/*

**Uwa Ohiku**

Sole Panelist

Date: September 24, 2025