

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. Michel Rodriguez
Case No. D2025-3885

1. The Parties

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

The Respondent is Michel Rodriguez, Mexico.

2. The Domain Name and Registrar

The disputed domain name <michelin-queretaro.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 24, 2025. On September 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 25, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on September 26, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Center verified that the 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 October 2, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was October 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 23, 2025.

The Center appointed Zeynep Yasaman as the sole panelist in this matter on October 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, Compagnie Générale des Etablissements Michelin, headquartered in France, is a leading tire company operating in 170 countries, with more than 124,000 employees and 117 tire manufacturing facilities and agencies in 26 countries, including Mexico.

The Complainant is the owner of MICHELIN trademark registered in various jurisdictions, including:

- Mexican trademark MICHELIN, registration no. 139699, registered on December 18, 1967, in classes 12 and 35.
- Mexican trademark MICHELIN, registration no. 340783, registered on January 13, 1988, in classes 7, 8, 9, 11, 12, 16, 20, 21, and 23.
- International trademark MICHELIN, registration no. 771031, registered on June 11, 2001, in classes 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 24, 25, 39, and 42.

The Complainant operates, among others, through its website under the domain name <michelin.com>, registered on December 1, 1993.

The disputed domain name was registered on July 2, 2025 and resolves to a basic, undeveloped WordPress website displaying the message “Bienvenido a WordPress. Esta es tu primera entrada. Edítala o bórrala, ¡luego empieza a escribir!” (“Welcome to WordPress. This is your first post. Edit or delete it, then start writing!”). The Panel notes that the site also contains links such as “blog”, “about”, “FAQs”, “Authors”, “Events”, “Shop”, “Patterns”, “Themes”, but these links simply redirect back to the same homepage displaying the default WordPress placeholder content. Moreover, according to the evidence available in the case file, an email server has been configured in relation to the disputed domain name.

Prior to filing the Complaint with WIPO, the Complainant sent a cease-and-desist letter and several reminders to the Respondent’s email address, as well as an email and several reminders to the hosting provider requesting the deactivation of the email server; however, no reply was received.

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 identical or at least confusingly similar to the Complainant’s trademark MICHELIN, which previous panels have considered to be well-known or famous. Moreover, the Complainant adds that the Respondent is neither affiliated with the Complainant in any way nor has he been authorized to use and register the Complainant’s mark, or to seek registration of any domain name incorporating the said mark. The Complainant contends that, since the disputed domain name is so identical to the Complainant’s famous MICHELIN trademark, the Respondent cannot reasonably pretend it was intending to develop a legitimate activity through the disputed domain name. According to the Complainant, an e-mail server has been configured on the disputed domain name, and thus, there might

be a risk that the Respondent is engaged in a phishing scheme. Moreover, the Complainant indicates that it attempted to contact the Respondent by sending a cease-and-desist letter via the Registrar, to which the Complainant has never obtained a response. Regarding the bad faith in use and registration of the disputed domain name, the Complainant argues that it is implausible that the Respondent was unaware of the Complainant when it registered the disputed domain name since the Complainant is well-known throughout the world, including Mexico, where the Respondent is allegedly located. The Complainant adds that as the disputed domain name wholly incorporates the Complainant's well-known trademark MICHELIN, with the mere addition of the geographic term "queretaro", it clearly suggests an official connection with the Complainant's Mexican operations. Internet users encountering this domain name are likely to believe that it corresponds to a local branch, subsidiary, distributor, or an official website specifically targeting the Mexican market. In these circumstances, it is not plausible to contend that Respondent was unaware of the Complainant when registering the disputed domain name. Moreover, a quick MICHELIN trademark search would have revealed to the Respondent the existence of the Complainants and their trademark. The Respondent's failure to do so is a contributory factor to its bad faith. The Complainant submits that given its goodwill and renown, and the nature of the disputed domain name, the Respondent could not have chosen the domain name for any reason other than to deliberately cause confusion amongst Internet users as to its source in order to take unfair advantage of the Complainants' goodwill and reputation, which clearly constitutes bad faith. The Complainant adds that neither can the Respondent assert that he has made, or that he is currently making a legitimate non-commercial or fair use of the disputed domain name. On the contrary, the composition of the disputed domain name evidences an intent to misleadingly divert consumers by taking unfair advantage of the goodwill and reputation of the Complainant's trademarks. According to the Complainant, the Respondent used the disputed domain name reproducing a famous trademark to direct Internet users to its website. The disputed domain name currently resolves to a WordPress sample page, which does not mean that the disputed domain name is used in good faith. It is more likely than not that the Respondent's primary motive in registering and using the disputed domain name was to capitalize on or otherwise take advantage of the Complainant's trademark rights, through the creation of initial interest of confusion. Moreover, the fact that the Respondent has not replied to the cease-and-desist letter the Complainant sent via the Registrar, such behavior has already been considered as an inference of bad faith by previous panels. Finally, an email server has been configured on the disputed domain name and thus, there might be a risk that the Respondent is engaged in a phishing scheme.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

Where the complainant holds a nationally or regionally registered trademark or service mark, this *prima facie* satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1). In the present case, the Panel notes that the Complainant owns registered MICHELIN trademarks. Accordingly, the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

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 Panel notes that the disputed domain name reproduces entirely the Complainant's MICHELIN trademark, with the addition of a hyphen, the word "queretaro", and the generic Top-Level Domain ("gTLD") ".com". It is well established by panels applying the Policy that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Similarly, the applicable gTLD in a domain name (e.g., ".com") is viewed as a standard registration requirement and as such, is disregarded under the first element confusing similarity test (*H & M Hennes & Mauritz AB v. Donnie Lewis*, WIPO Case No. [D2017-0580](#)). In that regard, the Panel considers that while the addition of the term "queretaro" may bear on the assessment of the second and third elements, the addition of such a 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). Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

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. These are as follows:

- (i) before any notice of the dispute, the respondent's use of, or demonstrable 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;
- (ii) 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) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 that 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 notes that the website to which the disputed domain name resolves consists solely of default WordPress placeholder content, including a sample page and an automatically generated first post, with no substantive or genuine commercial activity. Therefore, the Panel considers that the disputed domain name is not being used in connection with a bona fide offering of goods or services.

Moreover, the Panel notes that there is no evidence indicating that the Respondent is commonly known by the disputed domain name. The Complainant has also established that the Respondent is neither affiliated with the Complainant nor authorized or licensed to use the MICHELIN trademark or register the disputed

domain name.

Where a domain name consists of a trademark plus an additional term (at the Second- or Top-Level), UDRP panels have largely held that such a composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. Certain geographic terms (e.g., <trademark-usa.com>, or <trademark.nyc>) are seen as tending to suggest sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. The Panel notes that MICHELIN is a well-known trademark, and there is no legitimate explanation on the record as to why the Respondent registered the disputed domain name, which combines the Complainant's MICHELIN trademark with the name of a city in Mexico, where the Complainant has business operations. In this regard, the Panel finds that the combination of the Complainant's MICHELIN trademark with the geographical term "queretaro" in the disputed domain name cannot constitute fair use, as it carries a risk of implied affiliation with the Complainant.

Panels have held that the use of a domain name for illegitimate activity, such as phishing, can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#), section 2.13.1). The Panel considers that, in the absence of any legitimate website content and given the incorporation of the well-known MICHELIN trademark, the configuration of a functional email infrastructure carries a risk that the Respondent may use the disputed domain name for phishing or other abusive purposes.

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:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the domain name;
- (ii) that the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct;
- (iii) that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

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).

In the present case, the Panel notes that the Complainant's trademarks predate the registration of the disputed domain name and have been recognized as well known and enjoying significant international reputation by previous UDRP panels. It has been established in previous UDRP decisions that the registration of a domain name incorporating a widely-recognized or well-known trademark by a third party who has no connection with the trademark is a clear indication of bad faith (see *Pepsico, Inc. v. Domain Admin*, WIPO Case No. [D2006-0435](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix*

Group Co., WIPO Case No. [D2000-0163](#)). In this regard, the Panel considers that the Respondent was aware of the Complainant's well-known trademark when registering the disputed domain name and that the disputed domain name has been registered in bad faith by the Respondent.

As to bad faith use, the Panel notes that the disputed domain name does not point to an active website and merely resolves to a WordPress sample page displaying the message "Bienvenido a WordPress. Esta es tu primera entrada. Edítala o bórrala, ¡luego empieza a escribir!" ("Welcome to WordPress. This is your first post. Edit or delete it, then start writing!").

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. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. In the present case, considering the reputation of the Complainant's trademark, the composition of the disputed domain name, the Respondent's failure to submit a response to the Complainant's assertions or to respond to the Complainant's cease-and-desist letter, and the configuration of a functional email infrastructure, while the content of the associated website does not point to any active page, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding.

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 <michelin-queretaro.com> be transferred to the Complainant.

/Zeynep Yasaman/

Zeynep Yasaman

Sole Panelist

Date: November 10, 2025