

ADMINISTRATIVE PANEL DECISION

The Wine Advocate, Inc. v. linken matrin
Case No. D2025-4329

1. The Parties

The Complainant is The Wine Advocate, Inc., United States of America (“United States”), represented by Tmark Conseils, France.

The Respondent is linken matrin, Hong Kong, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 22, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 23, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 27, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amended Complaint. The Complainant filed an amended Complaint in English on November 3, 2025.

On October 27, 2025, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On November 3, 2025, the Complainant requested that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 in Chinese and English, and the proceedings commenced on November 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on November 28, 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 wholly-owned subsidiary of the Compagnie Générale des Établissements Michelin and part of the Michelin group, which publishes “The Wine Advocate” that rates wines. The Complainant holds trademark registrations for THE WINE ADVOCATE in multiple jurisdictions, including the following:

- United States trademark registration number 1213932, registered on October 26, 1982, with a claim of first use in commerce in June 1979, specifying use with a journal issued periodically containing information regarding wines; and
- International trademark registration number 951137, registered on January 9, 2008, designating China, among other jurisdictions, specifying use with a journal issued periodically containing information regarding wines.

The above trademark registrations are current and disclaim exclusive use of the word “wine” apart from the mark. The Complainant also registered the domain name <robertparker.com> on June 6, 1997 and has used it since then with a website titled “Robert Parker Wine Advocate”, that provides wine tasting notes and scores available on subscription. The Complainant also operates social media accounts.

The Respondent is an individual based in China. According to information provided by the Complainant, the Respondent was found by a prior UDRP panel to have registered and been using four domain names in bad faith that wholly incorporated a mark owned by the Complainant’s parent company. A mobile subdomain under one of those domain names resolved to a webpage prominently displaying the Complainant’s parent company’s trademark and aiming to collect users’ account numbers and passwords. See *Compagnie Générale des Établissements Michelin v. linken matrin*, WIPO Case No. [D2025-0676](#).

The disputed domain name was registered on August 4, 2025. As at September 9, 2025, a mobile subdomain under it (i.e., <m.thewineadvocate.top>) resolved to a webpage prominently displaying the Complainant’s THE WINE ADVOCATE trademark and inviting Internet users to log in with their account numbers and passwords. The evidence on the record does not show the website content. During this proceeding, the subdomain has not been active; rather, the disputed domain name is passively held.

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 THE WINE ADVOCATE mark, in which it has rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorized any third party to identify itself to the public as “The Wine Advocate” or to use that mark in a domain name. The disputed domain name initially resolved to a fake website using the “The Wine Advocate” name to create a UGC (User Generated Content) rating wine app and charging people money for it. Such unauthorized use not only exploits the reputation of the Complainant’s well-known THE WINE ADVOCATE trademark, but also misleads Internet users into believing that the website and the services offered originate from, or are affiliated with, the Complainant.

The disputed domain name has been registered and is being used in bad faith. The Respondent deliberately reproduced the Complainant's famous and distinctive THE WINE ADVOCATE trademark in order to mislead Internet users. The Respondent is a recidivist cybersquatter. The disputed domain name resolved to a fraudulent website impersonating the Complainant intended not only to collect personal and financial data from users, but also to attract users for commercial gain by causing confusion with the Complainant's trademark. The passive holding of the disputed domain name, following its fraudulent use, confirms bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that English is a universal language; a mobile subdomain under the disputed domain name formerly resolved to a webpage in English; and translation of all submissions would impose considerable costs on the Complainant and unduly delay the proceeding.

Despite the Center having sent an email regarding the language of the proceeding, and the formal notification of the Complaint, in both Chinese and English, the Respondent did not make any specific submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been 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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of THE WINE ADVOCATE trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. The only additional element is a generic Top-Level Domain ("gTLD") extension (".top") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name is now passively held. It is identical to THE WINE ADVOCATE trademark (including the definite article "the"), which creates a high risk of implied affiliation with the Complainant. Yet the Complainant submits that it has not authorized any third party to identify itself to the public as "The Wine Advocate" or to use that mark in a domain name. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services, nor making a legitimate noncommercial or fair use of the disputed domain name.

Further, a mobile subdomain of the disputed domain name formerly resolved to a log-in webpage prominently displaying the Complainant's trademark, giving the false impression that the webpage was operated by, or affiliated with, the Complainant and seeking to obtain Internet users' account numbers and passwords. Prior UDRP 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. See [WIPO Overview 3.0](#), section 2.13.1.

The Registrar has verified that the Respondent's name is "linken matrin", which does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by 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.

Based on the record, 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 disputed domain name was registered in 2025, many years after the registration of the Complainant's THE WINE ADVOCATE trademark, including in China, where the Respondent is based. The disputed domain name is identical to that trademark (including the definite article "the"), which is not a common phrase. According to evidence presented by the Complainant, all the top results of a Google search for "The Wine Advocate" relate to itself. The Respondent has previously registered and been using in bad faith four other domain names that wholly incorporated a mark owned by the Complainant's parent company (as described in Section 4 above). In the Panel's view, the registration not only of the disputed domain name but also of those other domain names is unlikely to be a coincidence but rather indicates an awareness of the Complainant's company group and a pattern of targeting its trademarks. The Respondent provides no explanation for the registration of the disputed domain name. In view of these circumstances, the Panel finds that the Respondent registered the disputed domain name with the Complainant and its mark in mind.

Throughout this proceeding, the disputed domain name has not resolved to any active website. However, prior UDRP 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. See [WIPO Overview 3.0](#), section 3.3. In the present case, the disputed domain name is identical to the Complainant's THE WINE ADVOCATE mark. A mobile subdomain of the disputed domain name formerly resolved to a log-in webpage prominently displaying the Complainant's mark, giving the false impression that it was operated by, or affiliated with, the Complainant and seeking to obtain Internet users' account numbers and passwords. Prior UDRP panels have held that the use of a domain name for illegitimate activity, such as phishing, constitutes bad faith. See [WIPO Overview 3.0](#), section 3.4. Further, the Respondent previously registered and was using in bad faith four other domain names incorporating marks held by the Complainant's parent company; and a subdomain under one of them operated in a similar way to the subdomain under the disputed domain name in the present case. These are all indicia of bad faith.

Therefore, 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 <thewineadvocate.top> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: December 4, 2025