

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. 翁炜业
(weng weiye / wengweiye)
Case No. D2025-5408

1. The Parties

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

Respondent is 翁炜业 (weng weiye / wengweiye), China.

2. The Domain Name and Registrar

The disputed domain name <michelinonline.top> (the “Domain Name”) is registered with Xin Net Technology Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on December 26, 2025. On December 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 29, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (not disclosed) and contact information in the Complaint. The Center sent an email communication to Complainant on December 31, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on December 31, 2025.

On December 31, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Domain Name is Chinese. On December 31, 2025, Complainant confirmed its request that English be the language of the proceeding. Respondent did not submit any comment on Complainant’s submission.

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 Respondent in Chinese and English of the Complaint, and the proceedings commenced on January 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on January 28, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on February 5, 2026. 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

Complainant, a French company in operation since 1889, manufactures and sells tires for vehicles, including designing and distributing tires; publishes road maps and guides, including multimedia publications for travel, tourism and fine dining. Complainant is present in 170 countries, with over 124,000 employees and operates 117 tire manufacturing facilities and sales agencies in 26 countries. In 1989, Complainant started its first representative office in Beijing, China. In 1995, Complainant operated its first manufacturing company in China, Michelin Shenyang Tire Co., Ltd., which has since been relocated in 2013 and updated to a new modern factory with a total investment of approximately USD 1.5 billion. Complainant also has a R&D company and many manufacturing and investment service companies in Shanghai. The total investment of Complainant in China is currently estimated to exceed USD 2 billion, with around 7,000 employees.

Complainant owns numerous registered trademarks for the MICHELIN mark, including:

- International trademark registration number 771031 for the MICHELIN word mark, registered on June 11, 2001, designating various countries including China; and
- Chinese trademark registration number 14122988 for the MICHELIN word mark, registered on April 14, 2015.

Complainant owns and operates several domain names incorporating the MICHELIN mark, including <michelin.com> registered on December 1, 1993 and <michelin.com.cn> registered on June 16, 2001.

The Domain Name was registered on December 23, 2025 and it previously resolved to a webpage displaying the MICHELIN trademark, as well as Complainant's mascot or brand ambassador, generally known as the "Michelin Man", in connection with the offering of tires for sale.

Prior to initiating the current proceedings, Complainant sent a notification to the Registrar and hosting company, requesting blocking of the Domain Name and deactivation of the Respondent's website. The Registrar complied with Complainant's request and placed the Domain Name on hold, resulting in it resolving to an inactive page. Complainant then initiated the current proceeding.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has a trademark registration for MICHELIN and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known Michelin products and services.

Complainant notes that it has no affiliation with Respondent, and that Respondent directs users to a website that impersonates Complainant, and offers tires for sale.

Complainant further contends that Respondent is using the Domain Name as a tool to exploit Complainant's reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the Domain Name. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceedings

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

Complainant submitted its original Complaint and amended Complaint in English. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Chinese.

Complainant requested that the language of the proceedings be English for several reasons, including the fact that Complainant is a French company and unable to communicate in Chinese and it would be unduly costly and burdensome, and cause unwarranted delay, to require Complainant to translate the Complaint into Chinese or to conduct the proceedings in Chinese; that the Domain Name includes only Latin characters, which strongly suggests that Respondent has knowledge of languages other than Chinese; that English is the primary language for international relations and is one of the working languages of the Center; that in similar prior cases, English was accepted as the language of the proceedings.

Respondent did not comment on Complainant's request for the language of the proceedings be English.

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).

The Panel accepts Complainant's submissions regarding the language of the proceedings. The Panel notes that the Domain Name does not have any specific meaning in the Chinese language, and that the Domain Name is formed using Latin characters, contains Complainant's MICHELIN trademark in its entirety. The Panel further notes that the Center notified the Parties in Chinese and English of the language of the proceedings as well as notified Respondent in Chinese and English of the Complaint. Respondent chose not to comment on the language of the proceedings, nor did Respondent choose to file a Response in Chinese or English.

Having considered all the circumstances of this case, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

6.2. Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the [WIPO Overview 3.0](#) states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case, Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

Complainant has provided evidence of its rights in the MICHELIN trademark, as noted above under section 4. Complainant has therefore proven that it has the requisite rights in the MICHELIN trademark.

With Complainant's rights in the MICHELIN trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case, ".top"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's MICHELIN trademark. The MICHELIN trademark is recognizable in the Domain Name.

In particular, the Domain Name's inclusion of the term "online", after the MICHELIN mark in the Domain Name <michelinonline.top>, does not prevent a finding of confusing similarity between the Domain Name and the MICHELIN trademark.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes out such a prima facie showing, the burden of production under this element shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its MICHELIN trademarks, and does not have any rights or legitimate interests in the Domain Name. In addition, Complainant asserts that Respondent is not authorized to promote Complainant's goods or services and is not related to Complainant. Respondent is also not known to be associated with the MICHELIN trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, Respondent previously used the Domain Name to direct users to a website that displays the MICHELIN trademark in connection with the sale of tires. The website also featured the Michelin mascot or brand ambassador, generally known as the "Michelin Man". Internet users or consumers may assume that the Domain Name is legitimately connected to Complainant and any marketing or other promotional material originated from Complainant, and be deceived.

Such use by Respondent does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name.

Moreover, the nature of the Domain Name, incorporating the entirety of Complainant's trademark MICHELIN with the term "online" in the Domain Name, cannot be considered fair use as it may suggest an affiliation with Complainant that does not exist. See [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

"(i) circumstances indicating that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) you have 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 you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the MICHELIN trademark predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's MICHELIN trademark and related products and services are known and recognized. Therefore, the Panel is of the view that Respondent was aware of the MICHELIN trademarks when it registered the Domain Name. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel thus finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the composition of the Domain Name, which includes Complainant's MICHELIN trademark and an additional term "online" after the MICHELIN mark in the Domain Name, suggests Respondent's knowledge of Complainant's rights in the MICHELIN trademark at the time of registration of the Domain Name and its effort to opportunistically capitalize on the reputation of Complainant's trademark registrations in registering and using the Domain Name.

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers. In particular, Respondent previously used the Domain Name to direct users to a website displaying the MICHELIN trademark in connection with the sale of tires. These tires were also offered at steeply discounted prices. The website also featured the Michelin mascot or brand ambassador, generally known as the "Michelin Man". Such use of the Domain Name constitutes bad faith. Internet users or consumers may assume that the Domain Name is legitimately connected to Complainant and any marketing or other promotional material originated from Complainant, and be deceived.

Indeed, UDRP panels have consistently held that a respondent's use of the domain name to trade off goodwill in a complainant's well-known trademark constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. [D2022-4158](#). Such use of the Domain Name is also disruptive to Complainant's business and potentially damaging Complainant's reputation and goodwill, and is evidence of bad faith.

Finally, the Panel also notes the reputation of the MICHELIN trademark, the composition of the Domain Name, and the failure of Respondent to submit a Response to the Complaint or to provide any evidence of actual or contemplated good-faith use, and the implausibility of any good-faith use to which the Domain Name may be put. Under the circumstances of this case, the Panel finds that the current non-use of the Domain Name does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <michelinonline.top> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: February 12, 2026