

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. Evan James, Every Holdings

Case No. D2026-3130

1. The Parties

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

The Respondent is Evan James, Every Holdings, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <negativemichelin.com> is registered with Cloudflare, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2026. On July 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 2026, 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 24, 2026.

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 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 22, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on September 1, 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

The Complainant is one of the leading tire companies founded in 1889. It is headquartered in France and present in 170 countries. The MICHELIN brand is one of the top-selling tire brands worldwide. The Complainant also produces the best-selling MICHELIN Guides, which rate over 30,000 establishments across three continents. Over 30 million MICHELIN Guides have been sold worldwide since 1920.

The Complainant has a portfolio of registrations for the MICHELIN word mark, including US Trade Mark No. 892045 (registered June 2, 1970), US Trade Mark No. 3329924 (registered November 6, 2007), and US Trade Mark No. 4126565 (registered April 10, 2012) (the "Trade Mark").

The Complainant is also the registrant of the <michelin.com> domain name (registered December 1, 1993).

The Respondent is an individual and a company apparently located in the US. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The Respondent registered the disputed domain name on July 13, 2026. The disputed domain name currently directs to an inactive page.

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 confusingly similar to the Trade Mark. The disputed domain name reproduces the Trade Mark in its entirety. The addition of the term "negative" does not prevent a finding of confusing similarity.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is neither affiliated with the Complainant nor authorised by it to use or register the Trade Mark. There is no evidence that the Respondent is commonly known by the disputed domain name or by the Trade Mark. The disputed domain name does not resolve to any active website and is passively held, and the Respondent has made no use of, and no demonstrable preparation to use, the disputed domain name in connection with any bona fide offering of goods or services or any legitimate noncommercial purpose. The Complainant further argues that, although the term "negative" may suggest a possible criticism purpose, there is no active criticism site or evidence of demonstrable preparations for such use. The composition of the disputed domain name, which reproduces the Complainant's famous Trade Mark as its dominant element, carries an inherent risk of impersonation and user confusion and cannot constitute fair use.
- The disputed domain name was registered and is being used in bad faith. The Respondent knew or should have known of the Complainant's rights, as the Trade Mark is a coined term with a worldwide reputation that has been recognised as well-known and famous. The reproduction of the Trade Mark in its entirety as the dominant element of the disputed domain name, combined with the term

“negative”, confirms that the disputed domain name was chosen with the Complainant specifically in mind. The current passive holding of the disputed domain name does not preclude a finding of bad faith, given the distinctiveness and reputation of the Trade Mark, the composition of the disputed domain name, the Respondent’s concealment of its identity behind a privacy protection service, and the absence of any evidence of actual or contemplated good faith use.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, “negative”) may bear on assessment of the second and third elements, the Panel finds the addition of this term does not prevent a finding of confusing similarity between the disputed domain name and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), section 2.1.

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 Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent is commonly known by the disputed domain name.

The Panel further notes that, although the disputed domain name combines the Trade Mark with the term "negative", there is no evidence of any genuine criticism site or demonstrable preparations for such use. [WIPO Overview 3.1](#), section 2.6.3.

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 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 3.1](#), section 3.2.1.

The Panel finds that the disputed domain name was registered in bad faith. It is unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark, given: (a) the worldwide reputation of the Complainant and the Trade Mark; and (b) the composition of the disputed domain name, which includes the Trade Mark and the term "negative". In these circumstances, and absent a response, the Panel finds that the Respondent was more likely than not aware of the Complainant and targeted its Trade Mark when registering the disputed domain name. [WIPO Overview 3.1](#), section 3.2.2.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Trade Mark, the composition of the disputed domain name, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, 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.

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 <negativemichelin.com> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: September 15, 2026