

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Établissements Michelin v. Gerrald Nieuwenhuizen Case No. DNL2026-0029

1. The Parties

The complainant is Compagnie Générale des Établissements Michelin, France, represented by Dreyfus & associés, France (“Complainant”).

The registrant of the disputed domain name is Gerrald Nieuwenhuizen, Netherlands (Kingdom of the) (“the Netherlands”), (“Respondent”).

2. The Domain Names and Registrar

The disputed domain names <gebruiktemichelinband.nl> and <michelintrekkerbanden.nl> are registered with SIDN through Metaregistrar B.V.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 5, 2026. On June 8, 2026, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain names.

On June 9, 2026, SIDN transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named respondent and contact information in the Complaint.

The Center sent an email communication to Complainant on June 10, 2026, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. Complainant filed an amended Complaint on June 12, 2026.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified Respondent of the Complaint and the proceedings commenced on June 17, 2026. In accordance with the Regulations, article 7.1, the due date for Response was July 7, 2026. The Center did not receive any response. Accordingly, the Center notified Respondent’s default on July 9, 2026.

The Center appointed Moïra Truijens as the panelist in this matter on July 22, 2026. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The following facts are undisputed.

Complainant, Compagnie Générale des Établissements Michelin, is a tire manufacturer established in Clermont-Ferrand, France, which has been active under the name Michelin since 1889. According to Complainant, it is present in 170 countries, employs more than 124,000 people, and operates 117 tire manufacturing facilities. Complainant is commercially active on the Dutch market through its subsidiary Michelin Nederland N.V., established in 's-Hertogenbosch, which offers passenger, truck, agricultural and industrial tires in the Netherlands.

Complainant is the owner of, among others, the following trademark registrations:

- European Union trademark MICHELIN No. 001791243, filed on August 3, 2000, and registered on October 24, 2001, for goods in classes 6, 7, 12, 17 and 28; and
- European Union trademark MICHELIN No. 007333834, filed on October 13, 2008, and registered on May 14, 2009, for goods in classes 1, 8, 9, 11, 12, 16, 20, 21 and 28 (hereafter: the “MICHELIN trademark”). Both registrations have been duly renewed and are in force.

Complainant further holds a number of domain names reflecting the MICHELIN trademark, including <michelin.com>, registered on December 1, 1993, and <michelin.nl>, registered on September 14, 1999.

The disputed domain names were both registered on March 17, 2022, many years after Complainant acquired the trademark rights relied upon.

According to the evidence submitted with the Complaint, the disputed domain names previously redirected Internet users to the website at the domain name <machinedeals.nl>, a Dutch-language commercial website at which new and used tractor tires bearing the MICHELIN trademark were offered. At the date of the Complaint, the disputed domain names resolved to a default page of the reseller through which they had been registered. The disputed domain names do not currently resolve to active websites.

Prior to filing the Complaint, Complainant sent a notification to Respondent asserting its trademark rights and requesting that Respondent cease use of the disputed domain names and transfer them to Complainant free of charge. Respondent did not reply to that notification or to the reminders which followed. The reseller declined to forward Complainant's letter to its customer.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Regulations for it to become the registrant of the disputed domain names instead of Respondent.

Complainant contends that the disputed domain names reproduce the MICHELIN trademark in its entirety, combined with the Dutch terms “gebruikte”, “band”, “trekker” and “banden” (respectively “used”, “tire”, “tractor” and “tires”). Because those terms correspond to Complainant's principal field of activity, they increase rather than dispel the likelihood of confusion, and Internet users may be led to believe that the disputed domain names lead to an official website of Complainant intended for the Dutch market. Complainant further holds that the country-code Top-Level Domain “.nl” may be disregarded.

Complainant also alleges that Respondent is not affiliated with Complainant and has not been authorized to use the MICHELIN trademark or to register domain names incorporating it. Complainant adds that Respondent is not commonly known by the disputed domain names. Complainant further alleges that the earlier redirection of the disputed domain names to a commercial website offering tractor tires does not amount to a bona fide offering of goods, since it deliberately targeted Complainant's well-known trademark and created the false impression that the website was operated by, affiliated with, or authorized by Complainant. Complainant further notes that even where genuine Michelin products are offered, a reseller may claim a legitimate interest only where its use is fair and accurately discloses its relationship with the trademark owner. Complainant states that the subsequent resolution of the disputed domain names to a reseller's default page confirms the absence of any independent legitimate use.

Complainant further notes that the MICHELIN trademark is well known throughout the world, including in the Netherlands, and Complainant's registrations significantly predate the registration of the disputed domain names, so that it is implausible that Respondent was unaware of Complainant when it registered them. It further asserts that by using the disputed domain names to attract Internet users to a commercial tire website, Respondent intentionally created a likelihood of confusion as to source, sponsorship, affiliation or endorsement. Complainant holds that Respondent's failure to reply to Complainant's notification reinforces the inference of bad faith, and the cessation of the redirection does not cure it.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Pursuant to article 2.1 of the Regulations, Complainant must prove each of the following three elements:

- a) the disputed domain names are identical or confusingly similar to: I) a trademark, trade name or geographical indication protected under Dutch law in which Complainant has rights; or II) a personal name registered in the General Municipal Register (Gemeentelijke Basisadministratie) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which Complainant undertakes public activities on a permanent basis; and
- b) Respondent has no rights to or legitimate interests in the disputed domain names; and
- c) the disputed domain names have been registered or are being used in bad faith.

Respondent did not provide a response to the Complaint. Therefore, based on article 10.3 of the Regulations, the Panel decides on the dispute on the basis of the Complaint. In that case, the Complaint shall be granted, unless the Panel considers it to be without basis in law or in fact.

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 Complainant's trademark protected under Dutch law and the disputed domain names.

Complainant has shown rights in respect of a trademark for the purposes of the Regulations.

The MICHELIN trademark is registered as a European Union trade mark and consequently enjoys protection in the Netherlands. It is therefore a trademark protected under Dutch law within the meaning of article 2.1(a) of the Regulations.

The entirety of the trademark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the trademark for the purposes of the Regulations.

Although the addition of other terms (here, “gebruikte” and “band” in <gebruiktemichelinband.nl>, and “trekker” and “banden” in <michelintrekkerbanden.nl>) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the trademark for the purposes of the Regulations. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.8.¹

The Panel further notes that the country-code Top-Level Domain “.nl” is a technical requirement of registration and is disregarded for the purposes of the comparison to be made under article 2.1(a) of the Regulations. See [WIPO Overview 3.1](#), section 1.11.1.

The Panel finds that the first element of the Regulations has been established.

B. Rights or Legitimate Interests

Article 3.1 of the Regulations provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in .NL 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.

Having reviewed the available record, the Panel, taking into account that Respondent has not submitted a Response, finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names.

The Panel has considered in particular whether Respondent’s earlier use of the disputed domain names may be characterized as a bona fide offering of goods within the meaning of article 3.1(a) of the Regulations. The record indicates that the disputed domain names redirected to a Dutch-language commercial website at which new and used tractor tires bearing the MICHELIN trademark were offered for sale. A reseller of genuine trademarked goods may in certain circumstances have a legitimate interest in a domain name incorporating the trademark, but only where its use of that domain name is fair. Panels have consistently required, among other things, that the respondent actually offers the goods at issue, that the site is used to sell only those goods, and that the site accurately and prominently discloses the respondent’s relationship, or absence of relationship, with the trademark owner.

¹ Given that the Regulations are largely based on the UDRP, the Panel considers UDRP precedents, and thus the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), to be relevant to the present proceedings and will refer to them where appropriate (see, inter alia, *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

Those conditions are not met in the present case. There is no evidence in the record of any disclosure on the website concerned of the absence of a relationship between Respondent and Complainant. That Respondent registered two such domain names reinforces the Panel's finding that Respondent lacks rights or legitimate interests in the disputed domain names.

The later use of the disputed domain names does not assist Respondent either. Resolution to a reseller's default page, and the present absence of any resolution, constitute neither a bona fide offering of goods or services nor a legitimate noncommercial use, and do not evidence demonstrable preparations to use the disputed domain names within the meaning of article 3.1(a) of the Regulations.

There is nothing in the record to suggest that Respondent is commonly known by either of the disputed domain names within the meaning of article 3.1(b) of the Regulations, or that any use made of them was noncommercial within the meaning of article 3.1(c). Respondent has not come forward with any evidence to rebut Complainant's prima facie case.

The Panel finds that the second element of the Regulations has been established.

C. Registered or Used in Bad Faith

In light of its considerations under Section 6.B, the facts presented by Complainant, and the lack of a response by Respondent, the Panel finds that the disputed domain name has been registered and/or is used in bad faith.

The Panel notes that, for the purposes of article 2.1(c) of the Regulations, article 3.2 of the Regulations establishes circumstances, in particular but without limitation, that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith.

Complainant's MICHELIN trademark registration predates the registration of the disputed domain names, on March 17, 2022, by more than a decade, and the MICHELIN trademark enjoys a substantial reputation in the tire sector, including in the Netherlands.

In the present case, the Panel notes that Respondent registered two domain names each combining Complainant's trademark and put them to use in connection with the sale of tires. In those circumstances the Panel is satisfied that Respondent had Complainant's trademark in mind when registering the disputed domain names and did so in order to take advantage of it.

The Panel further finds the circumstance described in article 3.2(d) of the Regulations to be present as the disputed domain names were used to direct Internet users to a commercial website offering tractor tires. Internet users encountering the website at the disputed domain names would be likely to be confused as to whether the disputed domain names are operated or authorized by Complainant. Respondent thereby used the disputed domain names for commercial gain by attracting Internet users to an online location through the likelihood of confusion which may arise with Complainant's MICHELIN trademark as to the source, sponsorship, affiliation or endorsement of that location and of the goods offered there.

That the redirection has since ceased does not alter this finding. A registrant cannot escape a finding of bad faith by discontinuing an illegitimate use once challenged, noting also that the disputed domain names remain registered in Respondent's name and available for renewed use at any time. Having regard to the reputation of the MICHELIN trademark, the prior use of the disputed domain names, Respondent's failure to reply to Complainant's notification or to participate in these proceedings, the present non-use does not prevent a finding of bad faith.

The Panel finds that Complainant has established the third element of the Regulations.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that Complainant becomes the registrant of the disputed domain names <gebruiktemichelinband.nl> and <michelintrekkerbanden.nl> instead of Respondent.

/Moïra Truijens/

Moïra Truijens

Panelist

Date: August 5, 2026