

## **ADMINISTRATIVE PANEL DECISION**

Compagnie Générale des Etablissements Michelin v. Podgrebelny Oleksandr Oleksiyovych

Case No. DUA2025-0013

### **1. The Parties**

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

The Respondent is Podgrebelny Oleksandr Oleksiyovych, Ukraine.

### **2. The Domain Name and Registrar**

The disputed domain name <michelin.kiev.ua> is registered with Hosting Ukraine LLC (ua.ukraine) (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2025. On August 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 2025, 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 published) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 2025 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 August 19, 2025.

On August 18, 2025 the Center informed the parties in Russian and English, that the language of the registration agreement for the disputed domain name is Russian. On August 19, 2025, the Complainant confirmed its request that English be the language of the proceedings. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of .UA Domain Name Dispute Resolution Policy (the “.UA Policy”), the Rules for .UA Domain Name Dispute Resolution Policy (the “.UA Rules”), and the WIPO Supplemental Rules for .UA Domain Name Dispute Resolution Policy (the “WIPO Supplemental Rules”).

In accordance with the .UA Rules, paragraphs 2 and 4, the Center formally notified the Respondent in English and Russian of the Complaint, and the proceedings commenced on August 25, 2025. In accordance with the .UA Rules, paragraph 5(a), the due date for Response was September 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 15, 2025.

The Center appointed Igor Alfiorov as the sole panelist in this matter on September 19, 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 .UA Rules, paragraph 7.

#### **4. Further Procedural Considerations**

Under paragraph 10 of the .UA Rules, the Panel must ensure that the Parties are treated equally, that each Party has a fair opportunity to present its case, and that the administrative proceeding is conducted with due expedition.

As the Respondent's mailing address is located in Ukraine, a country affected by an ongoing international conflict at the time of this Decision, which may impact case notification, it was necessary for the Panel, in exercising its discretion under paragraph 10 of the .UA Rules, to consider whether the proceeding should continue.

Having reviewed all relevant circumstances, the Panel considers it appropriate to proceed. The Panel observes that the Center sent the Notification of Complaint by mail and email to the Respondent at the addresses recorded with the Registrar. While the delivery by mail failed, there is no evidence indicating that the notification sent by email was not successfully delivered.

The Panel therefore concludes that both Parties were afforded a fair opportunity to present their positions, and, in the interest of conducting the administrative proceeding with due expedition, the Panel will issue its Decision accordingly.

#### **5. Factual Background**

The Complainant, Compagnie Générale des Etablissements Michelin ("Michelin"), is a multinational tire manufacturer headquartered in Clermont-Ferrand, France. Founded in 1889, the Complainant is present in 171 countries, employs over 114,000 people, and operates 69 manufacturing facilities and sales agencies in 17 countries, including Ukraine through a distributor network.

The Complainant owns numerous registrations for its well-known MICHELIN trademark, including International Trademarks No. 348615 (registered on July 24, 1968) and No. 771031 (registered on June 11, 2001), both renewed and designating Ukraine. It also holds domain names such as <michelin.com> (registered on December 1, 1993) and <michelin.com.ua> (registered on January 10, 2010).

The disputed domain name was registered on June 12, 2025, well after the Complainant's trademark rights. On July 2, 2025, the Complainant sent a cease-and-desist letter requesting free transfer of the disputed domain name, followed by several reminders, but the Respondent did not reply. The disputed domain name resolves to a page indicating "Website michelin.kiev.ua not configured".

The Panel notes that the disputed domain name was previously subject of a WIPO proceeding under the .UA Policy where the panel ordered the transfer of the disputed domain name to the then- respondent. See *Compagnie Générale des Etablissements Michelin v. Mishchenko Tetiana Mykhailivna / Міщенко Тетяна Михайлівна*, WIPO Case No. [DUA2023-0007](#). However, based on the evidence presented in the case, the Panel does not find the Respondents in both proceedings to be connected or otherwise related.

## **6. Parties' Contentions**

### **A. Complainant**

The Complainant contends that all elements of paragraph 4(a) of the .UA Policy are satisfied.

The disputed domain name <michelin.kiev.ua> is confusingly similar to the Complainant's famous MICHELIN trademarks. The addition of the country code Top-Level Domain ("ccTLD") ".kiev.ua" is irrelevant for the purpose of assessing similarity.

The Respondent has no rights or legitimate interests in the disputed domain name. He was never authorized to use the MICHELIN trademark, is not commonly known by it, and has made no bona fide use. The disputed domain name points only to an inactive page, while the activation of email servers indicates a possible risk of fraudulent activity.

The Respondent has registered and uses the disputed domain name in bad faith. Given the global reputation of the Complainant and its famous MICHELIN trademark, the Respondent could not have been unaware of the Complainant's rights. Passive holding of the disputed domain name, together with the configuration of email servers, demonstrates a risk of misleading diversion, phishing, and unfair exploitation of the Complainant's goodwill.

Accordingly, the Complainant requests transfer of the disputed domain name.

### **B. Respondent**

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

## **7. Discussion and Findings**

### **7.1. Preliminary Matters – Language of the Proceedings**

Paragraph 11(a) of the .UA Rules provides that "unless otherwise agreed by the Parties, the language of the administrative proceeding shall be the language of the Registration Agreement (which shall be in English, Russian or Ukrainian), subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceedings".

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact that it has no knowledge of Ukrainian or Russian and would otherwise face significant costs and delays from translation. The Complainant also noted that English is one of the working languages of the Center, is widely used internationally, and has been accepted in similar cases where registrars operated in Ukraine. The disputed domain name itself is composed of Latin characters, which suggests that the Respondent is capable of understanding English.

The Respondent did not make any specific submissions with respect to the language of the proceedings.

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.

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

## 7.2. Substantive Matters

### A. Identical or Confusingly Similar

The Panel confirms that the Complainant holds rights in the MICHELIN trademark, evidenced by, inter alia, International Trademarks No. 348615 and No. 771031, both renewed and designating Ukraine, and predating the registration of the disputed domain name. Moreover, the Panel further notes that MICHELIN through extensive and long-term use has become famous trademark enjoying a high level of reputation and recognition in connection with the Complainant's goods and services worldwide, including in Ukraine.

The disputed domain name incorporates the MICHELIN mark in its entirety. The second-level ccTLD ".kiev.ua" in the disputed domain name is viewed as a standard registration requirement and may be disregarded for the purposes of the confusing similarity test.

The Panel therefore finds that the disputed domain name is identical to the Complainant's trademark and that the condition of paragraph 4(a)(i) of the .UA Policy is satisfied.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the .UA Policy, the Complainant must show that the Respondent has no rights or legitimate interests in the disputed domain name.

Although the overall burden of proof rests with the Complainant, it must first make a prima facie showing that the Respondent lacks rights or legitimate interests. Once this is done, the burden shifts to the Respondent to produce evidence of such rights or interests. In the absence of such evidence, the Complainant is usually deemed to have satisfied the second element (see, e.g., *L'Oréal v. Артем Волик*, WIPO Case No. [DUA2023-0001](#)).

The Panel finds that the Complainant has made out its prima facie case. The Respondent is neither affiliated with the Complainant nor authorized to use the MICHELIN mark in any manner. The MICHELIN trademark predates the registration of the disputed domain name by many years. There is no evidence that the Respondent is commonly known by the name "michelin" within the meaning of paragraph 4(c)(ii) of the .UA Policy.

The disputed domain name resolves only to an inactive page, and there is no indication of bona fide preparations to use the disputed domain name. Instead, the configuration of an email server raises the risk of phishing or other fraudulent activity. As previous panels have observed, in the absence of license or permission to use a widely known trademark, no bona fide or fair use can reasonably be claimed.

Moreover, given the worldwide reputation of the MICHELIN trademark and the fact that the disputed domain name is identical to it, there is no plausible circumstance in which the Respondent could make legitimate use of the disputed domain name without misleading Internet users and unfairly exploiting the Complainant's rights.

Accordingly, the Panel concludes that the Complainant has established that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the requirement of paragraph 4(a)(ii) of the .UA Policy is satisfied.

### C. Registered or Used in Bad Faith

Under paragraph 4(a)(iii) of the .UA Policy, the Complainant must show that the disputed domain name has been registered or is being used in bad faith. The concept of bad faith applies where a respondent was, or should have been, aware of the complainant's trademark rights yet chose to register a domain name without any rights or legitimate interests in it (see *Research In Motion Limited v. Privacy Locked LLC/Nat Collicot*, WIPO Case No. [D2009-0320](#)).

The Panel finds it highly unlikely that the Respondent was unaware of the Complainant and its famous MICHELIN mark at the time of registration of the disputed domain name. The trademark is well recognized worldwide, including in Ukraine, and the Complainant's registrations long predate the disputed domain name. The choice of <michelin.kiev.ua>, which reproduces the MICHELIN mark in its entirety, points to opportunistic bad faith and clearly reflects knowledge of and intent to capitalize on the reputation of the Complainant's trade name and famous MICHELIN trademark. Prior panels have consistently treated such conduct as opportunistic bad faith.

As for use, the disputed domain name currently resolves to an inactive page, but passive holding does not preclude a finding of bad faith. The Panel notes that in fact, passive holding of a domain name incorporating a well-known mark, combined with other circumstances, is widely recognized as evidence of bad faith.

Moreover, the Panel believes, if the Respondent had legitimate reasons and/or purposes in registering and using the disputed domain name, it would have filed a response in these proceedings.

Given the Complainant's worldwide reputation, the Respondent's lack of any rights or legitimate interests, and the nature of the disputed domain name, the Panel concludes that the Respondent both registered and is using the disputed domain name in bad faith. The requirement under paragraph 4(a)(iii) of the .UA Policy is therefore satisfied.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the .UA Policy and 15 of the .UA Rules, the Panel orders that the disputed domain name <michelin.kiev.ua> be transferred to the Complainant.

*/Igor Alfiorov/*

**Igor Alfiorov**

Sole Panelist

Date: October 3, 2025