

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. Registration Private,
Domains By Proxy, LLC/Carolina Rodrigues, Fundacion Comercio
Electronico
Case No. D2022-2318

1. The Parties

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

The Respondent is Registration Private, Domains By Proxy, LLC, United States of America/ Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <michlingroup.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 27, 2022. On June 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 28, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 28, 2022 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 1, 2022.

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 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 26, 2022. The Respondent did not submit any response. Accordingly,

the Center notified the Respondent's default on July 28, 2022

The Center appointed Mathias Lilleengen as the sole panelist in this matter on August 2, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant was founded in 1889 and is a tire company, designing and distributing tires, digital services, maps and guides. The Complainant has close to 110,000 employees and operates manufacturing facilities and sales agencies in many countries, including in Panama where the Respondent is located.

The Complainant owns trademark registrations of the MICHELIN trademark in numerous countries, in particular International trademark registration no. 771031 registered June 11, 2001 and Panamanian trademark registration number 39677 registered August 4, 1986. The Complainant owns the domain name <michelin.com> since 1993.

The Domain Name was registered on February 8, 2022. The Domain Name has redirected to a parking page containing commercial links related to the Complainant's field of activity, as well as what appears to be fraudulent webpages and now it randomly redirects to various pages.

5. Parties' Contentions

A. Complainant

The Complainant documents registered trademark rights and argues that the trademark has developed worldwide reputation. The Complainant argues that the Domain Name imitates the trademark MICHELIN by removing the letter "e" and adding the generic term "group" at the end. This does not prevent any likelihood of confusion. On the contrary, the registration is a deliberate misspelling of the Complainant's trademark.

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant argues that the Respondent cannot establish rights in the Domain Name, as the Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Complainant submits that the Domain Name has redirected to a parking page containing commercial links related to the Complainant's field of activity, and, more recently, to fraudulent webpages. This not *bona fide*. The Respondent is engaged in "typosquatting".

Finally, the Complainant submits that the Complainant is well known throughout the world, and the Respondent must have been aware of the Complainant's trademark when the Respondent registered the Domain Name. Furthermore, the Complainant's MICHELIN trademark registrations predate the registration date of the Domain Name. The Domain Name constitutes a typosquatting variant of the Complainant's trademark, and typosquatting is sufficient to establish use and registration in bad faith. The Respondent is using the Domain Name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website. Finally, the Complainant points to the Respondent's lack of response to the cease-and-desist letter as further indication of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established rights in its trademark MICHELIN. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark save the letter "e" and adds "group" at the end. This does not prevent a finding of confusing similarity. For the purposes of assessing confusing similarity under paragraph 4(a)(i) of the Policy, it is permissible for the Panel to ignore the generic Top-Level Domain ("gTLD") as it is viewed as a standard registration requirement, see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 1.11.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant. There is no evidence suggesting that the Respondent has any rights or legitimate interests in the Domain Name. Further, there is no evidence that the Respondent is commonly known by the Domain Name. The Respondent cannot establish rights in the Domain Name, as it has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. On the contrary, the registration appears to be "typosquatting". The use is not *bona fide*, but rather suggests bad faith.

The Panel finds that the Complainant has made out a *prima facie* case showing that the Respondent has no rights or legitimate interests in the Domain Name, which has been unrebutted by the Respondent. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant's trademarks were registered long before the registration of the Domain Name, and the trademark MICHELIN is well known. The composition of the Domain Name suggests that the Respondent was aware of the Complainant's trademark when the Respondent registered the Domain Name.

The Domain Name constitutes a typosquatting variant of the Complainant's trademark. It seems to be registered to attract Internet users by misleading them into believing that the website at the Domain Name is authorized by or somehow connected to the Complainant. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith, see [WIPO Overview 3.0](#), section 3.1.4. The Respondent has not replied to the Complainant's cease-and-desist letter, nor to the Complaint, and not provided any evidence of good-faith use. The fact that the Domain Name has redirected to a parking page containing commercial links related to the Complainant's field of activity, as well as now randomly redirects to various webpages, supports a finding of bad faith.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of the paragraph 4(a)(iii) 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 <michlingroup.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: August 15, 2022