

ADMINISTRATIVE PANEL DECISION

Compagnie Générale des Etablissements Michelin v. wangla, wangla, chenxu, chenxu, xuxu, xuxu, zhouxun, zhouxun, wangxu, wangxu
Case No. D2024-1249

1. The Parties

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

The Respondents are wangla, wangle, Hong Kong, China, chenxu, chenxu, Hong Kong, China, xuxu, xuxu, Hong Kong, China, zhouxun, zhouxun, Hong Kong, China, and wangxu, wangxu, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names <michelin-cc.com>, <michelin-f1.com>, <michelin-usdt.com>, <michelinvlp.net>, and <michelin99.com> are registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 22, 2024. On March 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 27, 2024, the Registrar 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 2024, 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 March 28, 2024.

The Center sent an email communication to the Complainant on March 27, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on March 28, 2024.

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 Respondents of the Complaint, and the proceedings commenced on April 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on May 8, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on May 15, 2024. 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 states that it is a leading tire company headquartered in Clermont-Ferrand, France.

Founded in 1889, the Complainant operates 117 tire manufacturing facilities and sales agencies in 26 countries, with an employment headcount of over 124,000. In 1989, the Complainant opened its first representative office in Beijing, China. It opened its first manufacturing company in China in 1995. Since then, it has opened an R&D center in Shanghai and has a total investment in China exceeding USD 2 billion.

The Complainant owns many trademark registrations for the mark MICHELIN worldwide, including the following:

- International Registration No. 771031, registered on June 11, 2001, designating among other jurisdictions, China.
- International Registration No. 1245891, registered on December 10, 2014, designating various jurisdictions; and
- Hong Kong, China Registration No. 302941939, registered on March 28, 2014.

The Complainant operates various domain names including <michelin.com>, registered on December 1, 1993, and <michelin.net>, registered on March 8, 2000.

The disputed domain names <michelin-cc.com>, <michelin-f1.com>, <michelin-usdt.com>, <michelinvlp.net>, and <michelin99.com>, were registered on March 8, 2024, January 2, 2024, February 26, 2024, November 9, 2023, and October 30, 2023, respectively.

Before the filing of the Complaint the disputed domain names resolved to a website reproducing, without authorization, the Complainant’s name and visuals, particularly its official mascot, The Michelin Man, and displaying a login interface. The Complainant also noted the use of two non-authorized Telegram accounts @Michelin_vip99 and @Michelin_Mall_vip containing the Complainant trademark, such accounts being accessible from the disputed domain name <michelin-usdt.com>.

At the time of this Decision, none of the disputed domain names resolve to any active website; rather, they are passively held.

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 names.

According to the Complainant, each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

First, the Complainant submits that the disputed domain names are identical or confusingly similar to the MICHELIN mark registrations of the Complainant.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain names.

Third, the Complainant submits that the disputed domain names were registered and are being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that:

- the composition of the disputed domain names are identical since they all feature the terms/letters and numbers, such as "vlp", "cc", "usdt", "f1", and "99" with the well-known trademark MICHELIN from the Complainant.
- all the disputed domain names were registered in a short span of time: between October 2023 and March 2024.
- all the disputed domain names were registered via the same Registrar.
- When the Complainant detected the disputed domain names, they all resolved to the same website: a website reproducing, without authorization, the Complainant's name and visuals, in particular its official mascot, The Michelin Man, and displaying a membership list, misleading in that way Internet users into believing it is operated by the Complainant. The website displayed a login interface which can be used to steal sensitive information.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputed domain names would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantive issues

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain names:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See [WIPO Overview 3.0](#), section 4.3.

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 trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "vlp", "cc", "usdt", "f1", and "99", 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 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 3.0](#), 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel further finds that the composition of the disputed domain names consisting of the Complainant's mark plus an added term and the use of the Complainant trademarks within the content of the disputed domain names carries a risk of implied affiliation and effectively suggest sponsorship or endorsement by the Complainant.

Additionally, UDRP panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that:

- The Complainant was founded in 1889 and the MICHELIN trademark has been registered for many years and extensively used, including in Hong Kong, China where the Respondent appears to be based.
- The Respondent registered the disputed domain names between October 2023 and March 2024.
- When the Complainant detected the disputed domain names, they all resolved to the same domain name: a website reproducing, without authorization, the Complainant's name and visuals, in particular its official mascot: The Michelin Man.
- The website was also displaying a membership list, misleading in that way Internet users into believing it is operated by the Complainant.
- The website also displayed a login interface which can be used to steal sensitive information.
- The Respondent is in default.

Hence, the Panel finds it highly unlikely that the Respondent did not know of the Complainant and its MICHELIN trademark at the time the disputed domain names were registered.

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 3.0](#), section 3.2.1.

UDRP panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under 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 names <michelin-cc.com>, <michelin-f1.com>, <michelin-usdt.com>, <michelinvlp.net>, and <michelin99.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: May 28, 2024