

## **ADMINISTRATIVE PANEL DECISION**

### **Compagnie Générale des Etablissements Michelin v. Micheline Helou Case No. D2024-2388**

#### **1. The Parties**

The Complainant is Compagnie Générale des Etablissements Michelin, France, represented by Tmark Conseils, France.

The Respondent is Micheline Helou, United States of America (“United States”)

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

The disputed domain name <micheline5starliving.com> 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 11, 2024. On June 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 12, 2024, 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 (“Unknown”) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 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 July 2, 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 Respondent of the Complaint, and the proceedings commenced on July 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2024. The Respondent sent email communications to the Center on July 2, and 20, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on July 29, 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 is a limited company registered in France. It is, among other activities, a tyre manufacturer and a publisher of travel and restaurant guides.

The Complainant is the owner of trademark registrations for the mark MICHELIN in numerous jurisdictions. Such registrations include, for example:

- United States trademark registration number 5775734 for the word mark MICHELIN, registered on June 11, 2019, in International Classes 9, 39, and 42; and

- European Union trademark registration number 013558366 for the word mark MICHELIN, registered on April 17, 2015, in International Classes 9, 35, 38, 39, 41, and 42.

The Complainant's trademark MICHELIN has been found by previous panels under the UDRP to have attained the status of a "famous" or "well-known" trademark (see *Compagnie Generale Des Etablissements Michelin v. Vaclav Novotny*, WIPO Case No. [D2009-1022](#)).

The Complainant operates websites at "www.michelin.com" and at "www.guide.michelin.com".

The disputed domain name was registered on August 21, 2023.

The Complainant provides evidence that the disputed domain name has resolved to a Registrar-hosted "parking page", offering what appear to pay-per-click ("PPC") links to services including restaurant reservations.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant submits that it has provided restaurant guides since 1926 and that its MICHELIN trademark has become strongly associated with that and related activities around the world. It states in particular that its current guide includes over 30,000 establishments in over 30 countries.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. In the light of the Respondent's unilateral consent to the transfer of the disputed domain name (see below), the Complainant's contentions are set out in summary form only and are as follows.

The Complainant submits that its trademark MICHELIN is wholly incorporated within the disputed domain name and is clearly recognizable within that name, and that the disputed domain name is therefore confusingly similar to a trademark in which the Complainant has rights.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It contends, in particular, that the Respondent's use of the disputed domain name for a website containing PPC links to services similar to those offered by the Complainant cannot give rise to rights or legitimate interests and, on the contrary, supports and inference of targeting of the Complainant's MICHELIN trademark.

For similar reasons, the Complainant submits that the disputed domain name has been registered and is being used in bad faith. The Complainant contends that the disputed domain name will inevitably mislead Internet users into believing it has some legitimate connection with the Complainant, and is therefore being used by the Respondent misleadingly to attract Internet users to its website, for commercial gain as generated by the PPC links on that website.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent did not submit a formal Response in the proceeding.

However, in its email dated July 2, 2024, the Respondent stated:

“I’ve never filed a complaint. Someone must have done it fraudulently. I don’t know what this is.”

In its email dated July 20, 2024, the Respondent stated:

“I received an email that there is some trademark issues. I literally don’t even use this godaddy domain and it was suggested to me from this email to put it up for sale. So I did that. Please stop causing issues for me. I don’t even use the domain, I have no interest in any legal proceedings. Just take the domain. It said to post it for less than \$100 so I did that. I screenshotted it and attached a picture.

Reply letting me know you’ve received it and that the issue is now fixed.... because I don’t need this extra stress in my life when I don’t even use this domain. Godaddy allowed me to buy it so that should be on them, not me. In this case, just take it. I have no business attached to the domain.

See picture that it’s up for sale per the recommendation of the email below.”

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is generally required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

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

However, section 4.10 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) provides as follows:

“How do panels handle cases involving a respondent’s informal or unilateral consent for the transfer of the domain name to the complainant outside the “standard settlement process” described above?

Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the “standard settlement process” described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so

include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision, (iv) where there is ambiguity as to the scope of the respondent’s consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights.”

In this case, the Panel finds that the Respondent’s email dated July 20, 2024, and in particular its statement: “In this case, just take it,” amounts to an unequivocal statement of its unilateral consent to the transfer of the disputed domain name.

Although it is not a strict requirement under section 4.10 of [WIPO Overview 3.0](#), the Panel also finds that the Complainant has established a prima facie – and unrebutted – case in respect of all three elements required under paragraph 4(a) of the Policy.

Further, the Panel does not find any of the circumstances that might point to the desirability of a fully reasoned decision, as set out in the final paragraph of section 4.10 of [WIPO Overview 3.0](#), to be applicable in this case.

In the circumstances the Panel directs that the disputed domain name be transferred to the Complainant based on the Respondent’s unilateral consent to transfer.

## **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 <micheline5starliving.com> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: August 12, 2024