Decision for dispute CAC-UDRP-100074

Case number	CAC-UDRP-100074
Time of filing	2009-05-13 08:34:12
Domain names	michelintires.info

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	Cie Générale Des Établissements Michelin

Complainant representative

Organization	Dreyfus & associés

Respondent

Name	Oleg Shmatko

OTHER LEGAL PROCEEDINGS

Panel is not aware of any other legal proceedings.

FACTUAL BACKGROUND

The Complainant manufactures and sells tires for all kinds of vehicles, publishes maps and guides and operates a number of digital services in more than 170 countries. From invention of the radial tire to the steel wheel, and from the first gastronomic guide, Complainant has played an active role at every stage of the development in the automotive sector.

Complainant, established in 1889, has a strong reputation among others in the field of tire manufacturing for cars, trucks, motorcycles and planes.

The replacement tire market represents 72% of Complainant's sales in volumes in the Passenger Car-Light Truck market, and 83% in the Truck market. Accordingly, before being an equipment supplier for vehicle manufacturers, Complainant is primarily a player on the consumer market for passenger cars and motorcycles and on the professional consumer goods market for light and heavy utility vehicles.

Complainant is active on all continents, from China to Brazil and from The United States of America to Germany and Russia.

Complainant distributes its products in more than 170 countries. In 2008, Complainant manufactured 177 millions tires and

printed 16 millions maps and guides.

Complainant is accelerating its industrial and commercial expansion in Central and Eastern Europe, South America and Asia to serve tire demand with local production and increases its share of business in those high-growth regions. In doing so, Complainant aims to align itself with the geographic breakdown of the world's tire markets.

Complainant is optimizing its industrial tool to build on a robust and profitable position in the developed markets.
In 2009, the Group continues to establish an industrial base close to its markets with 64 manufacturing locations in 19 countries:

- Western Europe: 27
- North America: 19
- Eastern Europe: 7
- Asia: 6
- South America: 4
- Africa: 1

Complainant owns and mainly communicates on the Internet via notably the website www.michelin.com in order to presents and to propose to the Internet users its services and products.

Complainant owns particularly the following international trademarks protected among other countries in the Federation of Russia:

- MICHELIN, International Trademark n° 348615, registered on July 24, 1968, renewed and covering goods in classes 1, 6, 7, 8, 9, 12, 16, 17 and 20.
- MICHELIN + LOGO, International Trademark n° 416597, registered on June 25, 1975, renewed and covering goods in classes 6 and 8.
- MICHELIN, International Trademark n° 452542, registered on May 8, 1980, renewed and covering services in classes 35 and 41.
- MICHELIN, International Trademark n° 457819, registered on December 1st, 1980, renewed and covering goods in classes 09, 11, 14, 16, 20, 21, 24, 25, 26, 28 and 34.
- MICHELIN, International Trademark n° 492879, registered on May 10, 1985, renewed and covering goods in class 12.
- MICHELIN, International Trademark n° 517586, registered on September 24, 1987, renewed and covering goods and services in classes 9, 34 and 38.
- MICHELIN, International Trademark n° 574577, registered on May 6, 1991 and covering goods in classes 6, 16, 18, 21 and 25.
- MICHELIN, International Trademark n° 740073, registered on August 8, 2000 and covering goods in classes 6, 7, 12 and 17.
- MICHELIN, International Trademark n° 771031, registered on June 11, 2001 and covering goods and services in classes 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21, 24, 25, 39 and 42.
- MICHELIN, International Trademark n° 816915, registered on August 27, 2003 and covering services in classes 35, 37, 39 and 42.

When Complainant noticed that domain name <michelintires.info> was registered, Complainant sent a cease-and-desist letter by e-mail and registered letter dated December 11, 2008 to the registrant based on its trademarks rights asking the same to amicably transfer the domain name <michelintires.info>. The registrant answered to the cease-and-desist letter on December 13, 2008 by asking for financial compensation. Then, the whois database indicated that the name of the registrant had changed to the name of the current Respondent, however without a change of the email address.

Initially, the domain name was directed to a website displaying commercial links in the field of tyres and notably some of them reproducing Complainant's trademarks. After sending the cease-and-desist letter, the domain name became inactive, before the disputed domain name was directed to Complainant´s own website under www.michelin.com. The who-is

directory for the disputed domain name submitted in the proceedings shows the existence of a Meta description as follows: “Welcome to Michelin´s portal website. Find Michelin tyres in your country, discover the world tire maker Michelin group and all Michelin guides and maps for your travels.”

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **MICHELINTIRES.INFO**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2009-07-02

Publish the Decision