

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Taposhi Sathi
Case No. D2025-4432

1. The Parties

The Complainant is Philip Morris Products S.A., Switzerland, represented by D.M. Kisch Inc., South Africa.

The Respondent is Taposhi Sathi, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <tereaiqos.store> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2025. On October 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 29, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 November 4, 2025.

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 November 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2025.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on December 2, 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 Rules, paragraph 7.

4. Factual Background

It results from the Complainant's undisputed allegations that it is a company which is part of the group of companies affiliated to Philip Morris International Inc., an international tobacco and smoke-free products company, with products sold in approximately 180 countries. In the course of transforming its business, it has developed a number of smoke-free products including a tobacco heating system called IQOS. IQOS is a precisely controlled heating device into which specially designed tobacco sticks under the brand names HEETS, HEATSTICKS or TEREА are inserted and heated to generate a flavorful nicotine-containing aerosol (collectively referred to as the "IQOS System"). Currently, the IQOS System is available in key cities in around 84 markets across the world.

The Complainant is the registered owner of many trademarks worldwide for IQOS and TEREА, including:

- IQOS - International trademark registration No. 1218246, registered on July 10, 2014, for goods in classes 9, 11, and 34 and designating amongst others the European Union;
- IQOS - United Arab Emirates Registration No. 305079 (word/stylised), registered on June 27, 2019; and
- TEREА - International trademark registration No. 1765887 registered on October 19, 2023, for goods in class 34. and designating amongst others Jamaica.

The disputed domain name was registered on January 28, 2025. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolves to website allegedly selling and offering the Complainant's IQOS System and third party competing nicotine products and other products of other commercial origin, prominently using the Complainant's registered IQOS and TEREА trademarks at the top of the website as well as within the tab interface of the website. The website is further using a number of the Complainant's official product images without the Complainant's authorization. The website contains the following disclaimer: "We have no affiliation with Philip Morris International (PMI) or IQOS."

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 name.

Notably, the Complainant contends that:

- (1) the disputed domain name is confusingly similar to the Complainant's trademarks IQOS and TEREА since it identically adopts the Complainant's IQOS and TEREА trademarks;
- (2) the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its IQOS and TEREА trademarks (or a domain name which will be associated with these trademarks). The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Respondent's behavior shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. The website is selling competing nicotine products and/or accessories of other commercial origin. In addition, the website provided under the disputed domain name does not meet the

requirements set out by numerous panel decisions for a bona fide offering of goods. A reseller or distributor can be making a bona fide offering of goods or services and thus have a legitimate interest in the domain name at issue only if certain requirements are met, citing *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). In the present case, the Respondent is not only offering the Complainant's products but also competing nicotine products and accessories of other commercial origin (i.e., the Velo, Fox, Egp, Pablo, Bit, Killa, Iceberg, Vozol, Pura, Geek Bar, Lost Mary, Shumake, Flava, Elf Bar products). Furthermore, the disputed domain name in itself suggests at least an affiliation with the Complainant and its IQOS and TEREА trademarks, as the disputed domain name wholly reproduces the Complainant's registered IQOS and TEREА trademarks. In addition, the website, prominently and without authorization presents the Complainant's registered IQOS and TEREА trademarks. The website further uses the Complainant's official product images and marketing materials without authorization and includes no information regarding the identity of the provider of the website, which is only identified as "Iqos Terea Store", and further serves to perpetuate the false impression of an official commercial relationship between the disputed domain name and the Complainant, which it is not true;

(3) the disputed domain name was registered and is being used in bad faith. According to the Complainant, the Respondent knew of the Complainant's IQOS and TEREА trademarks when registering the disputed domain name, offering the Complainant's products. Furthermore, these terms are purely imaginative and unique to the Complainant. The Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website at the disputed domain name by creating a likelihood of confusion with the Complainant's registered IQOS and TEREА trademarks as to the source, sponsorship, affiliation, or endorsement of its website which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy. By reproducing the Complainant's registered trademarks in the disputed domain name and in the title of the website, the Respondent is clearly suggesting to any Internet user that the Complainant (or an affiliated dealer of the Complainant) is the source of the website, which it is not true. This suggestion is further supported by the Respondent's use of the Complainant's official product images, accompanied by a copyright notice claiming the copyright for the website and its contents.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

(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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of TEREА and IQOS trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

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 name. 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 name such as those enumerated in the Policy or otherwise.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and, in particular, did not authorize the Respondent's use of the trademarks TEREА and IQOS, such as by registering the disputed domain name comprising the said trademarks entirely. Furthermore, the Panel notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, it results from the Complainant's non-contested evidence that the disputed domain name resolves to a website prominently using the Complainant's marks on which the Complainant's goods are allegedly sold together with third party competing nicotine products and other products of other commercial origin. Since this use is clearly commercial, it cannot be considered a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue pursuant to paragraph 4(c)(iii) of the Policy. Furthermore, such use cannot be qualified a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy and the Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). Although there is a disclaimer on the website at the disputed domain name of no affiliation with the Complainant, such fine print disclaimer is buried among other contents on the website. In addition, third party competing nicotine products and other products of other commercial origin are also allegedly sold on the website, which does not satisfy the requirements under the Oki Data test. See also [WIPO Overview 3.0](#), section 2.8.1 "Panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the 'Oki Data test', the following cumulative requirements will be applied in the specific conditions

of a UDRP case: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) the respondent must not try to 'corner the market' in domain names that reflect the trademark. The Oki Data test does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits (or allows) the registration or use of domain names incorporating the complainant's trademark."

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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes from the Complainant's documented allegations that the disputed domain name resolves to a website, allegedly selling the Complainant's products and reproducing without authorization the Complainant's trademarks and the Complainant's official product images, while also selling competing products. For the Panel, it is therefore evident that the Respondent knew the Complainant's marks and has used the disputed domain name for commercial gain which constitutes bad faith under paragraph 4(b)(iv) of the Policy.

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. In this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the Panel's findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain name (wholly incorporating two of the Complainant's marks);
- (ii) an absence of rights or legitimate interests coupled with no Response from the Respondent; and
- (iii) the Respondent registered the disputed domain name through a privacy service.

The Panel finds that the Complainant has established the third element 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 disputed domain name <tereaiqos.store> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: December 16, 2025