

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Kubilay Kadir Yigit
Case No. D2025-0013

1. The Parties

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

The Respondent is Kubilay Kadir Yigit, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <iqossatinal.com> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 3, 2025. On January 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 4, 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 (Private Registration) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 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 January 8, 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 January 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2025. The Respondent sent email communications to the Center on January 9, 2025. On January 14, 2025, the proceedings were suspended until February 14, 2025, after the Center received the Complainant’s request for suspension of the proceedings. On January 30, 2025, the proceedings were reinstituted upon the Complainant’s request. On February 13, 2025, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on February 17, 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

The Complainant is Philip Morris Products S.A., a Swiss tobacco and smoke-free products company, established under the laws of Switzerland and a subsidiary of Philip Morris International, Inc., with products sold in approximately 180 countries.

The Complainant owns trademark registrations for IQOS (the “Mark”) around the world, including the following trademark registrations in the United Arab Emirates for tobacco related products:

- Registration IQOS (word) No. 211139, registered on March 16, 2016;
- Registration IQOS (word/stylized) No. 257763, registered on April 22, 2018; and
- Registration IQOS (word/stylized) No. 305079, registered June 27, 2019.

The Complainant also owns the International Registration IQOS (word) No. 1218246, registered on July 10, 2014, designating several jurisdictions including Türkiye.

The disputed domain name was registered on October 15, 2024, and resolves to an online shop allegedly selling the Complainant’s IQOS-related products, as well as competing third-party products from other commercial sources. The website prominently displays the Complainant’s IQOS trademark as well as its official product images.

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.

The Complainant argues that the disputed domain name is identical or confusingly similar to the trademark IQOS.

The Respondent’s use of the disputed domain name does not meet the requirements for a bona fide offering of goods or services, nor is there any evidence that the Respondent is using the disputed domain name in connection with any noncommercial or fair use. The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant finds that the disputed domain name in itself suggests at least an affiliation with the Complainant and its IQOS trademark and the website linked to the disputed domain name further serves to perpetuate the false impression of an official commercial relationship between the website and the Complainant.

According to the Complainant, it has prior rights over the trademark IQOS and has not authorized the Respondent’s registration and use of the disputed domain name.

According to the Complainant, the registration and use of the disputed domain name has been conducted in bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

On January 9, 2025, the Respondent sent email communications to the Center stating, inter alia, the following:

“The site has been closed for use. An application has been made to close the iqossatinal.com domain address. For your information, I submit.”

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the 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 used in bad faith.

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 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 name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms such as “satin al”, 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 name 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 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. The use of the Complainant's trademark to offer for sale the Complainant's products and third-party products that compete directly with those offered by the Complainant cannot be considered a bona fide offering of goods or services.

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 finds that the Respondent was clearly aware of IQOS and the Complainant, as, according to evidence disclosed in the annexes, the Respondent's website used the Complainant's trademark and purportedly offered IQOS and other competing third-party products for sale.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <iqossatinal.com> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: March 3, 2025