

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. daniel ariyanto
Case No. D2025-1215

1. The Parties

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

The Respondent is daniel ariyanto, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <iqosrokok.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2025. On March 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 March 26, 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 March 27, 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 March 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 21, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on April 28, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is part of Philip Morris International Inc. ("PMI"). PMI is an international tobacco company, with products sold in approximately 180 countries. PMI has developed a number of products, such as IQOS.

IQOS is a controlled heating device specially designed for tobacco products under the brand names "HEETS" or "HeatSticks". The tobacco products are inserted and heated to generate a flavorful nicotine-containing aerosol. The IQOS system was first launched in 2014. Today, the IQOS system is available in key cities in around 84 markets across the world. Approximately 33 million consumers are using PMI's smoke-free products, including the IQOS System worldwide. It is almost exclusively distributed through PMI's official IQOS stores and websites and selected authorized distributors and retailers.

The Complainant has trademark registrations in IQOS relating to its products, such as International Registration No. 1218246, registered on July 10, 2014; and International Registration No. 1461017, registered on January 18, 2019.

The Domain Name was registered on February 24, 2025. The Domain Name resolved to a website that uses the Complainant's trademark and purports to be an operator of the Complainant's IQOS System in Indonesia. It also offers gambling/online casino services. The website is in Indonesian language and indicates prices in Indonesian Rupiah.

5. Parties' Contentions

A. Complainant

The Complainant has registered trademark rights in IQOS in numerous jurisdictions, including Indonesia where the Respondent appears to be situated. The Complainant submits the Domain Name is confusingly similar to the Complainant's trademark. The Domain Name adopts the Complainant's trademark. The addition of the Indonesian word "rokok" (informal translation: cigarettes) is insufficient to avoid a finding of confusing similarity under the first element of the UDRP.

The Complainant submits that the Respondent has no rights or legitimate interests in the Domain Name. The Complainant asserts that the Respondent is unable to demonstrate rights or legitimate interests in the Domain Name. The Respondent has not been allowed by the Complainant to make any use of its trademark. The Domain Name resolves to a website that does not meet the requirements for a bona fide offering of goods or services. The Respondent is not only offering the Complainant's products but also gambling services completely unrelated to the Complainant. Moreover, the Respondent's use is not "fair", as consumers are misled to falsely believe that the website under the Domain Name is somewhat linked to the Complainant.

The Complainant argues that the Respondent had knowledge of the Complainant and its products at the time of registration of the Domain Name. By unauthorized reproducing the Complainant's trademark both in the Domain Name and on the website, the Respondent intends to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's registered trademark. The Complainant further submits as bad faith evidence that the Respondent's website also offers unrelated gambling services. Finally, the Respondent's use of a privacy protection service to hide the Respondent's identity also indicates bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

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

The Complainant has established rights in the trademark IQOS. The test for confusing similarity involves the comparison between the trademark and the Domain Name. In this case, the Domain Name adopts the Complainant's trademark, with the addition of the Indonesian word "rokok" (informal translation: cigarettes). It does not prevent a finding of confusing similarity under the first element of the UDRP. [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

There is no evidence on the record showing that the Respondent is affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. On the contrary, the use of the Domain Name is evidence of bad faith, see below.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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.

The Respondent has attempted to attract Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Both the composition and use of the Domain Name point to bad faith.

The Respondent's website suggests and gives the false impression of a commercial relationship between the website and the Complainant. The mere registration of a domain name that is confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith, see [WIPO Overview 3.0](#), section 3.1.4. The fact that the Respondent has not replied to the Complainant's contentions further points to bad faith.

Based on the available record, 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 the Domain Name <iqosrokok.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: May 12, 2025