ARBITRATION
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MEDIATION CENTER

WIPO
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# ADMINISTRATIVE PANEL DECISION
Philip Morris Products S.A. v. Turan Altunoglu
Case No. D2025-2662

## 1. The Parties

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

The Respondent is Turan Altunoglu, Türkiye.

## 2. The Domain Name and Registrar

The disputed domain name <heetssigara.com> is registered with Nics Telekomunikasyon A.S. (the "Registrar").

## 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 7, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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, Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 18, 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 July 28, 2025.

On July 18, 2025, the Center informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain name is Turkish. On July 28, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 19, 2025.

The Center appointed Zeynep Yasaman as the sole panelist in this matter on August 22, 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 forms part of the group of companies affiliated with Philip Morris International Inc. (PMI), a leading international tobacco and smoke-free products company. In addition to its combustible cigarette products, PMI has developed a range of Reduced Risk 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", "Delia", "Levia" or "Terea" are inserted and heated to generate a flavorful nicotine-containing aerosol (collectively referred to as the "IQOS System"). The IQOS System is available in key cities in around 84 markets across the world. To date, the distribution of the IQOS System has been carried out almost exclusively through PMI's official IQOS stores and websites, as well as selected authorized distributors and retailers. The Complainant's IQOS System is, however, not currently marketed or sold in Türkiye.

The Complainant is the owner of registered trademarks in various jurisdictions, including Türkiye, such as:

- International trademark HEETS, registration number 1326410, registered on July 19, 2016, in classes 9, 11, 34.
- International trademark HEETS, registration number 1328679, registered on July 20, 2016, in classes 9, 11, and 34.
- International trademark IQOS, registration number 1218246, registered on July 10, 2014, in classes 9, 11, and 34.
- International trademark IQOS, registration number 1338099, registered on November 22, 2016, in class 35.
- International trademark IQOS, registration number 1461017, registered on January 18, 2019, in classes 9 and 34.

The disputed domain name <heatssigara.com> was registered on November 11, 2024, and was resolving to a website offering for sale in Türkiye purported Complainant's tobacco products of the IQOS system, including HEETS tobacco sticks. Under the heading "What is IQOS Heets", it is mentioned "IQOS Heets are tobacco sticks developed as an alternative to traditional cigarettes. Produced by Philip Morris, these products work with heating technology instead of burning. As a result, vapor is created instead of smoke, offering smokers a less harmful experience. Used together with the IQOS device, Heets sticks provide personalized experiences with different flavor and taste options. Advantages of IQOS Heets …".

The Panel notes that the products bearing the Complainant's HEETS trademark offered on the website under the disputed domain name display health-related statements in both English and German. The Panel also notes that at the bottom of the website pages it is stated: "Copyright 2025 © heetssigara.com/". The Panel additionally observes that the website provides a WhatsApp order line.

According to the Registrar's verification, the Respondent is located in Türkiye.

## 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 it is the registered owner of the HEETS trademark in numerous jurisdictions, including, but not limited to Türkiye, and the disputed domain name is confusingly similar to the Complainant's registered HEETS trademarks.

The Complainant argues that the Respondent lacks any right or legitimate interest in the disputed domain name and the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its HEETS trademark or a domain name which will be associated with this trademark. The Complainant asserts that 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. Firstly, the Respondent is not an authorized distributor or reseller of the IQOS System. Secondly, 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.

The Complainant argues that the disputed domain name wholly incorporates its registered HEETS trademark with the addition of the non-distinctive word "sigara," thereby creating a misleading impression of affiliation. The Website prominently displays the Complainant's HEETS trademark without authorization, uses official product images while falsely claiming copyright in them, and provides no information about its provider, identifying itself only as "HEETS." Such presentation reinforces the false impression of an official commercial relationship. Moreover, the Complainant does not distribute its IQOS System in Türkiye, yet the Website falsely suggests that these products have been officially introduced into that market. According to the Complainant, these circumstances demonstrate that the Respondent's use of the disputed domain name is neither bona fide nor supported by any legitimate interest.

The Complainant further contends that the Respondent was clearly aware of the Complainant's HEETS trademark when registering the disputed domain name, as it began offering the Complainant's IQOS System immediately thereafter. The term "Heets" is a purely imaginative and unique to the Complainant, not commonly used in connection with tobacco products or electronic devices, making it implausible that the Respondent adopted the disputed domain name by coincidence. Rather, the Respondent registered and used the disputed domain name with the intention of attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's registered trademark as to source, sponsorship, affiliation, or endorsement, which constitutes bad faith. This misleading impression is reinforced by the reproduction of the Complainant's trademark in the disputed domain name and on the Website, together with the unauthorized use of official product images accompanied by a false copyright notice. Furthermore, the Complainant claims that the Respondent or the person behind the Respondent, is the same person, or is connected to the same person, who was the respondent to a previous UDRP complaint filed by the Complainant, in relation to the bad faith registration and use of the disputed domain name (*Philip Morris Products S.A. v. Domains By Proxy, LLC / ?zg?r Ceridi*, WIPO Case No. D2020-2762). The Complainant also highlights that the Respondent's recent involvement in the bad faith registration and use of the disputed domain name demonstrates a pattern of abusive conduct, and that the Respondent's use of a privacy protection service to conceal its identity further supports a finding of bad faith.

### B. Respondent

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

## 6. Discussion and Findings

### Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Turkish. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Respondent is capable of communicating in English and that the privacy registration service acting as a front company for the Respondent appears to also conduct its business in English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

The Panel notes that although the disputed domain name contains a Turkish term and the associated website appears to be directed towards the Turkish market, the website also has an English version. This indicates that it is likely that the Respondent has sufficient knowledge of English. Moreover, the Respondent did not reply to the Center's email regarding the language of the proceeding and did not participate in this proceeding. Taking this into account and further considering that the circumstances of the case, the Panel finds that it would be unfair and cause unwarranted delay in ordering the Complainant to translate the Complaint into Turkish. The Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel is satisfied that this determination ensures fairness and efficiency in the conduct of the proceeding and does not cause any undue prejudice to the Respondent.

### A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. WIPO Overview 3.0, section 1.2.1. In the present case, the Panel notes that the Complainant owns registered HEETS trademarks. Accordingly, the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

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 3.0, section 1.7.

The Panel notes that the entirety of the Complainant's trademark HEETS 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.

It is well established by panels applying the Policy that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Similarly, the applicable Top Level Domain in a domain name (e.g., ".com") is viewed as a standard

registration requirement and as such, is disregarded under the first element confusing similarity test (*H & M Hennes & Mauritz AB v. Donnie Lewis*, WIPO Case No. D2017-0580). In that regard, the Panel considers that the addition of the Turkish word "sigara", meaning "cigarette", together with the gTLD ".com" 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. These are as follows:

(i) before any notice of the dispute, 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; or
(ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 that 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.

There is no evidence indicating that the Respondent is commonly known by the disputed domain name. Moreover, the Complainant has established that the Respondent is neither affiliated with the Complainant nor authorized or licensed to use the HEETS trademark or register the disputed domain name.

The Panel notes that on the website to which the disputed domain name resolves, products allegedly belonging to the Complainant under the HEETS trademark are being offered for sale, making use of the Complainant's copyrighted material.

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. WIPO Overview 3.0, section 2.8. Therefore, to establish a bona fide offering of goods and services, a reseller or distributor of trademarked goods should comply with certain requirements (*Oki Data Americas, Inc. v. ASD, Inc.,* WIPO

Case No. D2001-0903). Moreover, where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such a composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. WIPO Overview 3.0, section 2.5.1.

The Panel notes that the Respondent has not disclosed any relationship with the Complainant, who is the owner of the trademark used in connection with the products offered for sale. Moreover, the composition of the disputed domain name, together with the use of the Complainant's trademarks on the associated website, gives rise to a misleading impression of affiliation with the Complainant or with an entity duly authorized by the Complainant.

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:

(i) circumstances indicating that Respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the domain name; or

(ii) that the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) that respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the domain name, respondent has intentionally attempted to attract, for commercial gain, Internet users to respondent's website or other on-line location, by creating a likelihood of confusion with complainant's mark as to the source, sponsorship, affiliation, or endorsement of respondent's website or location or of a product or service on respondent's website or location.

In the present case, the Panel notes that the Respondent is offering for sale on the website under the disputed domain name the Complainant's IQOS products, including those bearing the Complainant's HEETS trademark. The disputed domain name itself is composed of the Complainant's distinctive trademark HEETS together with the descriptive term "cigarette" in Turkish. This clearly demonstrates that the Respondent was aware of the Complainant and its trademarks at the time of registration.

By registering a domain name that combines the Complainant's trademark with a descriptive term referring to the nature of the goods (sigara/cigarette), and by using it for a website featuring the Complainant's HEETS trademark at the top, in connection with the sale of the Complainant's products while displaying the Complainant's product images and without any disclaimer of its lack of relationship with the Complainant, the Respondent creates a false impression of affiliation. In this regard, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the products offered therein. Accordingly, the Panel concludes that the disputed domain name has been registered and is being used in bad faith.

Although the Complainant argues that the Respondent is connected to the same person, who was the respondent to a previous UDRP complaint filed by the Complainant, in relation to the same disputed domain name in 2020, noting the circumstances of the case, the Panel does not need to make a finding on this claim.

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 <heetssigara.com> be transferred to the Complainant.

*/Zeynep Yasaman/*
**Zeynep Yasaman**
Sole Panelist
Date: September 4, 2025