

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. MD Mahbub Pradhan
Case No. D2025-2666

1. The Parties

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

The Respondent is MD Mahbub Pradhan, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <vapesiqos.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed 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 8, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on July 10, 2025, providing the registrant and contact information disclosed by the Registrar.

The Center verified that the 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 4, 2025.

The Center appointed Dietrich Beier as the sole panelist in this matter on August 8, 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 a company which is part of the group of companies, hereinafter referred to as "GROUP", affiliated to Philip Morris International Inc.

The GROUP is a leading international tobacco and smoke-free products company, with products sold in approximately 180 countries. The GROUP's brand portfolio contains brands like MARLBORO (outside of the United States of America and Canada), the world's number one international selling cigarette brand since 1972.

In the course of transforming its business from combustible cigarettes to so-called reduced risk products or smoke free products, the GROUP has developed, inter alia, a tobacco heating system called IQOS. IQOS is a controlled heating device into which specially designed tobacco sticks under several brands are inserted and heated to generate a nicotine-containing aerosol.

Today the IQOS System is available in key cities in around 84 markets across the world and has achieved considerable international success and reputation and approximately 33 million relevant consumers are using the GROUP's smoke-free products including the IQOS System worldwide.

The Complainant is the proprietor of several trademark registrations for IQOS, among them the International Registration No. 1218246 registered on July 10, 2014, and extended for, inter alia, the European Union and China in classes 9, 11, 34, as well as United Arab Emirates Registration No. 305079 in class 34 registered on June 27, 2019, all the aforementioned registrations being in effect.

The disputed domain name was registered on January 8, 2025.

The disputed domain name resolves to a web shop at "https://www.vapesiqos.com" allegedly selling and offering, in English, the Complainant's IQOS System, as well as competing third party products of other commercial origin. The website shows the indication "Welcome to Vape UAE online vape shop". The website is prominently using the Complainant's registered IQOS trademark at the top of the webpage. The website is further using a number of the Complainant's official product images without the Complainant's authorization, while at the same time providing a copyright notice at the bottom of the webpage claiming copyright in the material presented on the website.

The Respondent's website does not show any disclaimer about the relationship of the Respondent with the Complainant.

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 the disputed domain name identically adopts the Complainant's IQOS marks, differing only by the addition of the descriptive word "vapes".

Further, the Respondent was not authorized by the Complainant to make use of its mark. The Respondent is not an authorized or legitimate reseller, and his relation to the trademark owner is not disclosed on the website where he is also selling competing products to the Complainant's products.

The intent to confuse Internet users is evident from the Respondent's use of the Complainant's trademarks and product images.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing 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 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. The addition of the descriptive and not distinctive element "vapes" for smoke-free products 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. This is in particular the case since the Complainant did not grant any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name since there is no indication that the Respondent is commonly known by the name "IQOS" or "VAPESIQOS" nor that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

The latter could be discussed since the website seems to offer products from the Complainant. The Panel notes the discussion regarding resellers of original goods in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). See also [WIPO Overview 3.0](#), section 2.8.

The Respondent's use of the disputed domain name in the present case does not meet the criteria of the Oki Data test, since the website under the disputed domain name creates the impression of being authorized or owned by the Complainant. However, no relationship to the Complainant is disclosed on the website, and the Panel notes that also competing products to the Complainant's products are sold on the Respondent's website, hence creating a "bait and switch"- situation.

Based on the available record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In view of the design of the website, the use of product images and the trademarks of the Complainant, the Respondent must have been well aware of the Complainant and its trademarks when registering the disputed domain name.

The Complainant has not authorized the Respondent to make use of its mark. The Panel does not see any conceivable legitimate use that could be made by the Respondent of this disputed domain name without the Complainant's authorization.

The circumstances of this case, in particular the use of the trademarks and product images of the Complainant indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) 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 <vapesiqos.com> be transferred to the Complainant.

/Dietrich Beier/

Dietrich Beier

Sole Panelist

Date: August 22, 2025