

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. TF hk
Case No. D2025-2667

1. The Parties

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

The Respondent is TF hk, China.

2. The Domain Name and Registrar

The disputed domain name <iqos-tfhk.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 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 9, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 11, 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 12, 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 July 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2025.

The Center appointed Mauricio Jalife Daher as the sole panelist in this matter on August 13, 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 Philip Morris Products S.A. is a Swiss company which is part of the group of companies affiliated to Philip Morris International Inc.

Philip Morris International Inc. is an international tobacco and smoke-free products company, with products sold in approximately 180 countries.

The Complainant has used its IQOS trademark to distinguish a tobacco heating device.

The Complainant has obtained, among others, the following trademark registrations to protect IQOS in connection with its products and services:

International Registration No. 1218246 IQOS (word), designating Antigua and Barbuda, Albania, Armenia, Bosnia and Herzegovina, Bahrain, Bonaire, Sint Eustatius and Saba, Belarus, China, Colombia, Cuba, Curaçao, Algeria, Egypt, European Union, Georgia, Israel, India, Iceland, Kyrgyzstan, Kazakhstan, Morocco, Monaco, Republic of Moldova, Montenegro, North Macedonia, Mongolia, New Zealand, Oman, Philippines, Serbia, Sint Maarten (Dutch part), Tunisia, Türkiye, Ukraine, Viet Nam; registered on July 10, 2014, to distinguish:

Class (9) Batteries for electronic cigarettes; batteries for electronic devices that are used for heating tobacco, battery chargers for electronic devices that are used for heating tobacco; USB chargers for electronic devices that are used for heating tobacco; car chargers for electronic cigarettes; car chargers for devices that are used for heating tobacco. Class (34) Electronic vaporizers; apparatus for heating liquids; apparatus for generating vapor, wired vaporizer, Tobacco, raw or manufactured; tobacco products, including cigars, cigarettes, cigarillos, tobacco for roll-your-own cigarettes, pipe tobacco, chewing tobacco, snuff tobacco, kretek; snus; tobacco substitutes (not for medical purposes); smokers' articles, including cigarette paper and tubes, cigarette filters, tobacco tins, cigarette cases and ashtrays, pipes, pocket apparatus for rolling cigarettes, lighters; matches; tobacco sticks, heated tobacco products, electronic apparatus that heat cigarettes; electronic smoking apparatus; electronic cigarettes; electronic cigarettes for use as an alternative to traditional cigarettes; electronic nicotine inhalation electronic cigarettes; chargers, extinguishers and accessories, parts and fittings for use in connection with electronic cigarettes or apparatus for heating tobacco; electronic rechargeable cigarette cases.

International Registration IQOS No. 1338099, designating Albania, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Bahrain, Belarus, Colombia, Algeria, Egypt, European Union, Georgia, Israel, India, Iceland, Japan, Republic of Korea, Kazakhstan, Morocco, Monaco, Montenegro, Mexico, Norway, New Zealand, Oman, Philippines, Serbia, Russian Federation, Singapore, Türkiye, Ukraine, United States of America; registered on November 22, 2016, to distinguish:

Class (35) Advertising, marketing, commercialization, promotion and retail services (including online retail services) of heated tobacco products, electronic cigarettes, electronic smoking devices, electronic devices and their parts for the purpose of heating cigarettes or tobacco in order to release nicotine-containing aerosol for inhalation, oral vaporizing devices, vaporizers for electronic cigarettes and smoking devices, electronic rechargeable cigarette cases, extinguishers for heated cigarettes and cigars as well as heated tobacco sticks, liquid nicotine solutions for use in electronic cigarettes, tobacco substitutes (not for medical purposes), smokers' articles, batteries for electronic cigarettes and for heating portable electronic smoking devices, battery chargers, chargers for electronic devices, parts and fittings for the aforementioned goods.

Chinese Registration IQOS (device) No. 37632252 registered on December 21, 2019;

Chinese Registration IQOS (device) No. 49264074 registered May 7, 2021;

The disputed domain name <iqos-tfhk.com> was registered on March 24, 2025.

The disputed domain name is linked to an online shop at “www.iqos-tfhk.com” (the “Website”) selling and offering not only the Complainant’s IQOS System, but third party brands / products of other commercial origin. The Website is further using a number of the Complainant’s official product images and marketing materials and provides a copyright notice at the bottom of the website claiming copyright in the material presented on the Website.

The Website includes no information regarding the identity of the provider of the Website, which is only identified as “IQOS香港商店” (informal translation: “IQOS Hong Kong Store”).

The website is provided in Chinese and indicates all prices in Hong Kong dollar. The Complainant’s IQOS System is not currently sold in China.

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 reproduces the IQOS trademark in its entirety, in addition to the non-distinctive additions “tf” and geographical abbreviation for Hong Kong, China (i.e., “hk”).

That any Internet user when visiting a website provided under the disputed domain name <iqos-tfhk.com> will reasonably expect to find a website commercially linked to the owner of the IQOS trademark. This unlawful association is exacerbated by the use of the Complainant’s official product images and marketing materials without the Complainant’s authorization.

That the Website includes no information regarding the identity of the provider of the Website.

That the fact that the Respondent is not only offering the Complainant’s products but also promoting competing heated tobacco brands and/or products of other known and unknown commercial origin is sufficient to exclude a legitimate interest in the form of a bona fide offering of goods.

That the illegitimacy of the Respondent’s use of the disputed domain name is further shown by the fact that the Complainant does not currently offer for sale its IQOS System in the territory of China, and the on-line shop provided under the disputed domain name creates the false impression that the Complainant has officially introduced the IQOS System into the Chinese market.

That the term IQOS is purely imaginative and unique to the Complainant. The term IQOS is not commonly used to refer to tobacco products or electronic devices. It is therefore beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name, without the intention of invoking a misleading association with the Complainant.

That, it is also evident from the Respondent’s use of the disputed domain name, that the Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the Website by creating a likelihood of confusion with the Complainant’s registered IQOS trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

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 (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 IQOS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of IQOS mark is reproduced within the disputed domain name. The addition of the letters "tfhk" and the Top-Level Domain ".com". do 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](#), sections 1.8 and 1.11.

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). Since the Respondent did not reply to the Complainant's contentions, the Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Furthermore, the fact that the Website includes no information regarding the identity of the provider and that the Respondent is not only offering the Complainant's products but also promoting competing heated tobacco brands and/or products of other known and unknown commercial origin is sufficient to exclude a legitimate interest in the form of a bona fide offering of goods.

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 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 following circumstances are relevant in assessing that the Respondent's registration and use of a domain name is in bad faith: (i) the Respondent did not file a response to the Complaint, and there is no evidence nor allegation that the Respondent makes a fair use of the disputed domain name; (ii) the Respondent registered the disputed domain name on March 24, 2025: 11 years after the Complainant

registered its trademark IQOS; (iii) the term IQOS is purely imaginative and unique to the Complainant, therefore it can be concluded that the Respondent chose the disputed domain name, with the intention of invoking a misleading association with the Complainant's trademark; (iv) the Complainant has provided evidence that IQOS is a well-known trademark in the tobacco heating device market segment; (v) the disputed domain name resolves to a website which reproduces the IQOS word and design trademark and reproduces several of the Complainant's official product images and marketing materials; (vi) the Respondent does not appear as the owner nor as the person responsible of the website, and there is no disclaimer to avoid unfairly passing itself off as related to the Complainant.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Therefore, the Panel finds that the Respondent registered and used the disputed domain name in bad faith.

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 <iqos-tfhk.com> be transferred to the Complainant.

/Mauricio Jalife Daher/

Mauricio Jalife Daher

Sole Panelist

Date: August 27, 2025