

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Erdal Cakmak
Case No. D2025-3015

1. The Parties

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

The Respondent is Erdal Cakmak, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <iqosilumashop.com> is registered with Automattic Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2025. On July 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 30, 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 (Knock Knock WHOIS Not There, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 30, 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 August 2, 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 August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 28, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on September 2, 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 company affiliated with Philip Morris International Inc., a multinational corporation operating in approximately 180 countries. According to the Complainant, it has invested significantly in the research and development of smoke-free alternatives to combustible cigarettes, including the IQOS System, a tobacco heating system available in multiple markets worldwide. There are six versions of the IQOS heating device, including the IQOS ILUMA, a recent generation of the product line.

The Complainant has provided evidence that it is the registered owner of numerous trademarks, including, but not limited to the following:

- International Trademark registration No. 1338099, registered on 22 November 2016 for a word mark IQOS in class 35;
- International Trademark registration No. 1764390, registered on October 12, 2023 for a word mark ILUMA in class 34;
- Turkish Trademark registration No. 2019 128850 registered on 6 November 2020 (with priority of 16 September 2019) for a word mark IQOS ILUMA in cases 9 and 34.

The above-mentioned trademarks and domain name predate the registration of the disputed domain name, which was registered on March 14, 2025.

The disputed domain name resolves to a Turkish-language website offering the Complainant's IQOS products alongside competing third-party tobacco products. The website includes a statement indicating that orders are shipped throughout Türkiye. It prominently features the Complainant's trademarks at the top of the page, uses the Complainant's official product images, and displays a copyright notice purporting to claim copyright ownership of the website and its contents.

The Respondent, according to the disclosed Whois information for the disputed domain name, 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.

According to the Complainant, the disputed domain name is confusingly similar to its IQOS and ILUMA trademarks, as it wholly incorporates the trademarks. The addition of the non-distinctive and descriptive term "shop," does not prevent a finding of confusing similarity, since the Complainant's trademarks remains clearly recognizable within the disputed domain name. The Complainant further notes that the generic Top-Level Domain (".com") should be disregarded for the purposes of the first element, as it is a standard registration requirement and does not affect the assessment of confusing similarity.

The Complainant also asserts that the Respondent lacks rights or legitimate interests in the disputed domain name for the following reasons: (i) the Respondent is not affiliated with, licensed by, or otherwise authorized to use the Complainant's IQOS or ILUMA trademarks in connection with the disputed domain name; (ii) the Respondent is not making a bona fide offering of goods or services, but rather is using the disputed domain name to sell the Complainant's trademarked products alongside competing third-party tobacco products and accessories, while falsely suggesting an official affiliation with the Complainant. Accordingly, the two criteria under the Oki Data test for a bona fide offering of goods or services are not met. (iii) the website displays the Complainant's trademarks, including IQOS and ILUMA, at the top of the page, accompanied by false copyright claims, and provides no information regarding the identity of the website provider, further perpetuating the false impression of an official commercial relationship with the Complainant. Such use

cannot be considered legitimate, particularly because the Complainant's IQOS products are primarily distributed through official stores and are not currently sold in Türkiye.

Finally, the Complainant argues that the Respondent registered and used the disputed domain name in bad faith. In particular: (i) the composition of the disputed domain name itself, which incorporates the Complainant's distinctive and unique IQOS and ILUMA trademarks that are not commonly used to refer to tobacco products or electronic devices, demonstrates that the Respondent was aware of the Complainant's trademarks at the time of registration; (ii) the Respondent's use of the Complainant's trademarks and official product images on the website, accompanied by a false copyright notice, further shows that the Respondent intended to attract users for commercial gain by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location; (iii) the Respondent is also promoting and selling competing third-party products, which constitutes additional evidence of bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 Complainant's marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "shop", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Indeed, the Complainant has confirmed that the Respondent is neither affiliated with, nor otherwise authorized or licensed by the Complainant to use the IQOS and ILUMA trademarks in connection with the disputed domain name or otherwise.

The disputed domain name resolves to a website offering the Complainant’s IQOS products alongside competing third-party tobacco products and accessories. The website prominently displays the Complainant’s IQOS and ILUMA trademarks, including at the top of the page, accompanied by false copyright claims, and provides no information regarding the identity of the website operator. Such use creates a misleading impression of an official affiliation with the Complainant.

The Panel has considered whether the Respondent could be regarded as a reseller or service provider that may have legitimate interests in a disputed domain name under the criteria set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). These criteria require that:

- (i) the respondent must actually offer the goods or services at issue;
- (ii) the respondent must use the website to sell only the trademarked goods or services;
- (iii) the website must accurately and prominently disclose the respondent’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark.

In this case, the Respondent fails to satisfy these requirements. First, the Respondent is offering not only the Complainant’s trademarked IQOS products but also competing third-party products. Second, the website contains no disclaimer indicating the lack of any relationship with the Complainant. On the contrary, the Respondent’s use of the Complainant’s IQOS and ILUMA trademarks, together with the reproduction of the Complainant’s official product images, increases the likelihood that Internet users will mistakenly assume an affiliation with the Complainant. Such circumstances preclude a finding of a bona fide offering of goods or services under the Oki Data test.

Accordingly, the Panel finds that the Respondent’s website is deliberately designed to create confusion as to its association with the Complainant and its trademarks, in order to divert traffic, exploit the Complainant’s reputation, and sell competing products for commercial gain. Such conduct can never be regarded as a bona fide offering of goods or services under the Policy.

Therefore, the Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.4.

Finally, there is no evidence that the Respondent is commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent has not provided any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the Complainant's IQOS and ILUMA trademarks significantly predate the Respondent's registration of the disputed domain name. Additionally, the incorporation of the Complainant's trademarks in the disputed domain name, along with the content of the corresponding website which prominently displays the Complainant's IQOS and ILUMA trademarks and official product images, demonstrates that the Respondent was clearly aware of the Complainant's business and trademarks at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

The Respondent's use of the Complainant's IQOS and ILUMA trademarks, along with official product images, further confirms that the Respondent has deliberately targeted the Complainant's trademarks to create an impression of association with the Complainant. In the Panel's view, the Respondent has intentionally sought to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the website or the products offered thereon. Pursuant to paragraph 4(b)(iv) of the Policy, such conduct constitutes evidence of registration and use of the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Accordingly, the Panel finds that, in the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of paragraph 4(b)(iv) of 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 <iqosilumashop.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: September 16, 2025.