

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Products S.A. v. Haşim Ozdemir  
Case No. D2025-3142

### **1. The Parties**

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

The Respondent is Haşim Ozdemir, United States of America (the “United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <iqosmania.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 6, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Dmain Name. On August 8, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 8, 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 15, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2025. The Respondent sent an email communication to the Center on August 20, 2025 indicating the related products had been removed and the articles would be removed soon. The proceeding was suspended on August 29, 2025 for the Parties to explore settlement options. Such settlement was not reached, and the proceeding was reinstated on September 16, 2025 and the new due date for Response was September 27, 2025. The Center did not receive any further email

communication from the Respondent. The Center informed the Parties of the commencement of the panel appointment process on September 29, 2025.

The Center appointed Ana María Pacón as the sole panelist in this matter on October 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 a company organized under the laws of Switzerland and forms part of the Philip Morris International Inc. ("PMI") group, an international tobacco and smoke-free products company with its products sold in approximately 180 countries worldwide. PMI has developed a tobacco heating system marketed under the trademark IQOS, now available in over 90 markets. Approximately 38 percent of PMI's total net revenues derive from its smoke-free business, and the company estimates that there are about 36.5 million adult users of its smoke-free products globally. Since 2008, PMI has invested more than USD 12.5 billion in the research, scientific substantiation, development, and commercialization of its smoke-free product portfolio.

Relevant to this proceeding, the Complainant has registered the trademark IQOS worldwide, including:

- International Registration No. 1218246 for IQOS, registered on July 10, 2014, covering goods in classes 9, 11 and 34, designating multiple countries, including Türkiye.
- International Registration No. 1338099 for IQOS and logo, registered on November 22, 2016, covering services in class 35.
- International Registration No. 1461017 for IQOS and logo, registered on January 18, 2019, covering goods in classes 9 and 34.
- International Registration No. 1557546 for IQOS and logo, registered on August 27, 2020, covering goods and services in classes 9, 18, 34, 35, 37, and 41.

The Complainant is also the registrant of numerous domain names such as <iqos.com> registered since April 25, 1997.

The Domain Name was created on April 17, 2025. At the time of the filing of the Complaint, the Domain Name resolved to a Turkish-language website that displayed the Complainant's official product images and trademarks without any disclaimer indicating the lack of association with the Complainant. Currently, the Domain Name remains active but no longer displays IQOS-branded products or images, although it still shows the term "IQOS MANIA".

#### **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 Domain Name.

Notably, the Complainant contends that the Domain Name is confusingly similar to its IQOS trademark, which it owns in numerous registrations worldwide, including Türkiye and the United States. The Complainant points out that its IQOS mark is a coined, distinctive term with no dictionary meaning and that it enjoys widespread reputation as designating its innovative "heat-not-burn" tobacco system. The addition of the descriptive term "mania" does not dispel the confusing similarity.

Further, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has never licensed or otherwise authorized the Respondent to use its IQOS mark in any form. The Respondent is not an authorized distributor or reseller of IQOS products, and its use of the Domain Name for a commercial website purporting to sell IQOS devices and accessories in Türkiye does not meet the criteria for a bona fide offering of goods. The Complainant notes that the website failed to disclose the absence of any relationship with the Complainant and made prominent and unauthorized use of the IQOS logo and official product images, and therefore intentionally misled consumers.

In addition, the Complainant submits that the Domain Name was registered and is being used in bad faith. Given the distinctive nature and global fame of the IQOS trademark, the Respondent could not credibly have been unaware of the Complainant's rights when registering the Domain Name. The Respondent's use of the Domain Name to operate a website that falsely purports to be an official IQOS retail online in a country where IQOS products are not even authorized for sale demonstrates an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark.

The Complainant therefore requests that the Domain Name be transferred to it.

## **B. Respondent**

The Respondent did not file a formal Response to the Complaint. On August 20, 2025, the Respondent sent an email stating that "the related products had been removed and "The articles will be removed soon".

## **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 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 Panel finds the mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "mania" 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 Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Then there is the addition of the generic Top-Level Domain ("gTLD"), here ".com". As is generally accepted, the addition of a gTLD such as ".com" is merely a technical registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1, and *Accenture Global Services Limited v. Fan zhi*, WIPO Case No. [D2024-0285](#).

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 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 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 Domain Name such as those enumerated in the Policy or otherwise.

In particular, the Panel notes the following:

- The Complainant asserts - and there is no evidence to the contrary - that it has not licensed or otherwise authorized the Respondent to use its well-established IQOS trademark, or to register any domain name incorporating that mark.
- Prior to notice of this dispute, the Respondent has not used, nor made demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2. The use of the Domain Name for a website purportedly offering unauthorized sales of IQOS products without displaying a prominent and accurate disclaimer regarding the lack of relationship between the Complainant and the Respondent cannot be considered a bona fide offering under the Oki Data principles. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).
- The Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name. On the contrary, the Domain Name was used to host a website that impersonated the Complainant and purported to be an official IQOS website. Panels have consistently held that the use of a domain name for illegal or fraudulent activity - such as impersonation or passing off - can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1; see also *The Ritz Hotel, Limited v. Damir Kruzicevic*, WIPO Case No. [D2005-1137](#).

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 notes that the Complainant has demonstrated that its trademark IQOS, which is registered and widely recognized, enjoys global public awareness.

Several UDRP panels have concluded that registering a domain name with knowledge of another company's rights and with the intention to divert traffic can indicate bad faith registration (see *Digital Spy Limited v. Moniker Privacy Services and Express Corporation*, WIPO Case No. [D2007-0160](#); *PepsiCo, Inc. v. "null", aka Alexander Zhavoronkov*, WIPO Case No. [D2002-0562](#); and *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#)). The Panel finds it implausible that the Domain Name was registered in good faith, particularly since the Complainant has registered its trademarks years before the registration of the Domain Name and owns and uses the domain name <iqos.com>, differing only by the addition of the term "mania", and considering the use of the Domain Name.

Furthermore, it is well accepted that impersonation is clear evidence of bad faith registration and use (see *Ares Management LLC v. Omelchenko Aleksei*, WIPO Case No. [D2023-0836](#); *FLRish IP, LLC v. prince zvomuya*, WIPO Case No. [D2019-0868](#)).

With respect to bad faith use, before the Respondent's change of the content at the website under the Domain Name, the Domain Name resolved to a website that presented itself as being directly associated with the Complainant's IQOS products. The Respondent has incorporated the Complainant's well-known trademark into the Domain Name and has reproduced elements of the Complainant's branding and has used the Complainant's product images on the website in a manner which has clearly intended to create a false impression of affiliation or endorsement for commercial gain. In the Panel's view, such use constitutes compelling evidence of bad faith under paragraph 4(b)(iv) of the Policy.

The Panel notes that the Respondent's email of August 20, 2025, stating that "the related products have been removed," does not affect the finding of bad faith. Changes to a website during the proceeding does not generally affect the panel's finding of bad faith because if the respondent continues to hold the domain name, the respondent may change the website content again at any time.

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 Domain Name <iqosmania.com> be transferred to the Complainant.

*/Ana María Pacón/*

**Ana María Pacón**

Sole Panelist

Date: October 16, 2025