

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Tingwei Chan
Case No. D2025-3143

1. The Parties

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

The Respondent is Tingwei Chan, Taiwan province of China.

2. The Domain Name and Registrar

The disputed domain name <iqos-dzy.com> is registered with Net-Chinese Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English 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 disputed domain 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 (Private Registration) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 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 in English on August 15, 2025.

On August 12, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 15, 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 in Chinese and English of the Complaint, and the proceedings commenced on August 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 12, 2025.

The Center appointed Xu Lin as the sole panelist in this matter on September 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 is a company affiliated to Philip Morris International Inc., which is an international tobacco and smoke-free products company with products sold in different countries. Philip Morris International Inc. develops and sells products aimed at replacing traditional cigarettes. One of these products is a tobacco heating system called IQOS, which was first launched in 2014, and currently available in key cities across the world.

The Complainant owns various trademarks for IQOS, including the following:

- International Registration No. 1218246 for IQOS, registered on July 10, 2014 in classes 9, 11 and 34;
- Taiwan province of China Registration No. 02003604 for IQOS, registered on August 1, 2019 in classes 9 and 34; and
- Taiwan province of China Registration No. 01718976 for IQOS, registered on July 16, 2015 in classes 9 and 34.

The Respondent is an individual based in Taiwan province of China.

The disputed domain name <iqos-dzy.com> was registered on May 19, 2025, and resolves to an online shop claiming to be "IQOS Taiwan [province of China] Official Website" and purportedly selling and offering the Complainant's IQOS System.

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:

Firstly, the disputed domain name is identical or confusingly similar to trademarks in which the Complainant has rights as the disputed domain name incorporates the Complainant's IQOS trademark in its entirety, with only the non-distinctive addition "dzy".

Secondly, the Respondent has no rights or legitimate interests with respect to the disputed domain name, arguing that:

- The Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its IQOS trademark or a domain name which will be associated with this trademark.

- The Respondent is not an authorized distributor or reseller of the IQOS System while 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 disputed domain name in itself suggests at least an affiliation with the Complainant and its IQOS trademark, as the disputed domain name wholly reproduces the Complainant's registered IQOS trademark together with the non-distinctive additions, namely "dzy";
- The website prominently displays, without authorization, the IQOS trademark, official product images, and marketing materials, while falsely claiming copyright;
- The website suggests affiliation with the Complainant (e.g., via the name translated as "IQOS Taiwan [province of China] Cartridge Store") and misleads consumers into believing the website to be an official / endorsed distributor but the Complainant does not currently offer for sale its IQOS System in the territory of Taiwan province of China.

Finally, the disputed domain name was registered and is being used in bad faith for following reasons:

- The Respondent clearly knew of the IQOS trademark when registering the disputed domain name and immediately started offering the Complainant's products after registering the disputed domain name;
- By reproducing the unique IQOS trademark and misleading consumers regarding the source, sponsorship, or endorsement, the Respondent acted with the intent to gain unfair commercial advantage, constituting bad faith under the UDRP.

B. Respondent

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

6. Discussion and Findings

Procedural Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. 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 Respondent has knowledge of the English language because the disputed domain name is in Latin script and the website at the disputed domain name includes several English words/phrases, while the Complainant is not capable of providing the Complaint in the language of the Registration Agreement (e.g. Chinese) without unreasonable effort and costs.
- In such cases it was found that to require the Complainant to translate the Complaint and all supporting documents into the language of the registration agreement would cause an unnecessary burden to the Complainant and unnecessarily delay the proceeding.

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).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 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 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.

Although the addition of other terms here, "dzy", 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.

The Respondent has used the disputed domain name to operate a website offering products purporting to originate from the Complainant. The website prominently displays the Complainant's logo, official product images, and marketing materials, while omitting any disclosure of the Respondent's identity or product source. Significantly, the Respondent explicitly described the website in Chinese as "IQOS 台灣官方網站" ("IQOS Taiwan [province of China] Official Website"), thereby falsely suggesting official status and misleading consumers. Even if the Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) would have to be applied, the Respondent clearly fails this test as there is no prominent and accurate disclaimer on the website regarding the relationship between the Complainant and the Respondent.

Contrary to the fact, the Respondent claims to be an official website of the Complainant. The Panel finds that the Respondent's use does not satisfy the requirements of the Oki Data test, and therefore, the Respondent has not used the disputed domain name for a bona fide offering of goods or services. The Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

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 Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

As mentioned in Part 6.B., the Respondent has used the disputed domain name to operate a website claiming to be the Complainant's official website and offering products purporting to originate from the Complainant, and the website prominently displays the Complainant's logo, official product images, and marketing materials. These facts should support the finding that the Respondent was aware of the Complainant's business and its reputation when the Respondent filed the registration for the disputed domain name, and the Respondent registered the disputed domain name in an attempt 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, or the products offered for sale by the Respondent, which constitutes bad faith under 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 <iqos-dzy.com> be transferred to the Complainant.

/Xu Lin/

Xu Lin

Sole Panelist

Date: October 6, 2025