

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Achraf El azzouzi, Achraf Elazzouzi
Case No. D2025-3777

1. The Parties

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

The Respondent is Achraf El azzouzi, Achraf Elazzouzi, Spain.

2. The Domain Names and Registrar

The disputed domain names <acheteriqosilumaenligne.com>, <tereablue.com> and <tereatabac.com> are registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 17, 2025 in respect of the disputed domain name <acheteriqosilumaenligne.com>. On September 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <acheteriqosilumaenligne.com>. On September 17, 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 September 18, 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 requesting the addition of two disputed domain names. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On the same day the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Private Registration) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 a second amended Complaint on September 30, 2025.

The Center verified that the Complaint together with the amended Complaints 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 October 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2025. The Response, in respect of all three disputed domain names, was filed with the Center on October 1, 2025, by the Respondent.

The Center appointed Edoardo Fano as the sole panelist in this matter on November 6, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

The language of the proceeding is English, being the language of the Registration Agreements, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is Philip Morris Products S.A., a Swiss subsidiary company of Philip Morris International Inc. ("PMI"), operating as one of the international leaders in the field of tobacco and owning several trademark registrations for IQOS, ILUMINA and TEREА, among which the following ones:

- International Trademark Registration No. 1218246 for IQOS, registered on July 10, 2014;
- International Trademark Registration No. 1764390 for ILUMINA, registered on October 12, 2023;
- International Trademark Registration No. 1765887 for TEREА, registered on October 19, 2023.

The Complainant provided evidence in support of the above.

The Respondent is Achraf Elazzouzi, based in Spain and operating as reseller, through its main website at "www.tabacdandorre.com", of tobacco products, among which Philip Morris products, such as IQOS devices, TEREА consumables, Marlboro, and L&M.

According to the Whois records, the disputed domain names were registered on the following dates: <acheteriqosilumaenligne.com> on July 26, 2025, <tereablue.com> on September 11, 2024, and <tereatabac.com> on September 9, 2024. The disputed domain names <tereablue.com> and <tereatabac.com> resolved to websites that purport to sell the Complainant's products alongside with competing products. The disputed domain name <acheteriqosilumaenligne.com> resolves to a website offering the Complainant's products and displays the following disclaimer: "Site indépendant, non affilié à Philip Morris. Produits originaux fabriqués par Philip Morris" (Translated to English as "This is an independent website, not affiliated with Philip Morris. Original products manufactured by Philip Morris"). In addition, the website promotes third-party competing tobacco products of other commercial origin by referring and/or including hyperlinks which redirect to a third party online shop at at "www.tabacdandorre.com".

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 names.

Notably, the Complainant states that the disputed domain names are confusingly similar to its trademarks IQOS, ILUMINA and TEREА, as the disputed domain names wholly contain the Complainant's trademarks with the addition of the non-distinctive and descriptive elements "acheter" (meaning "to buy" in French), "en ligne" (meaning "online" in French), "blue" and "tabac" (meaning "tobacco" in French).

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names since it has not been authorized by the Complainant to register the disputed domain names or to use the Complainant's trademarks within the disputed domain names. The Complainant asserts that the Respondent is offering for sale the Complainant's products, without being an authorized distributor or reseller, as well as other tobacco products and accessories of the Complainant's competitors, using an unremarkable and hidden disclaimer, therefore not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain names.

The Complainant submits that the Respondent has registered the disputed domain names in bad faith, since the Complainant's trademarks IQOS, ILUMINA and TEREА are distinctive and not commonly used for tobacco products. Therefore, the Respondent targeted the Complainant's trademarks at the time of registration of the disputed domain names and the Complainant contends that the use of the disputed domain names to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation and/or endorsement of the Respondent's associated website qualifies as bad faith registration and use.

B. Respondent

The Respondent acknowledges that the disputed domain names contain references to the Complainant's trademarks IQOS, ILUMA and TEREА, however it considers that the additional terms such as "acheter", "en ligne", "blue", and "tabac" are descriptive and generic words that clearly indicate an independent reseller context, not an official site.

The Respondent asserts that it never intended to mislead consumers or usurp the Complainant's identity, but simply to facilitate online visibility of genuine Philip Morris products, as it never claimed to be an official distributor, and its main website clearly displays a disclaimer stating: "Tabac d'Andorre is an independent shop. We are not affiliated with, endorsed by, or an official distributor of Philip Morris International or any other brand. We only sell genuine products, and all reviews are from real customers."

Moreover, the Respondent denies any allegation of bad faith, since it states that the disputed domain names were not registered to sell them to the Complainant, to block the Complainant's brand, or to mislead customers. Instead, the Respondent submits that they were used in good faith as descriptive entry points to direct users toward genuine Philip Morris products on the Respondent's main business website, supporting the Complainant's products rather than harming them, by expanding consumer access to genuine IQOS devices and TEREА consumables.

The Respondent finally asserts to operate transparently and to have built a verified reputation with customers, demonstrated by a Trustpilot rating of 4.9/5: this reputation, combined with disclaimers and bona fide sales, proves that the Respondent has acted in good faith and has not attempted to misappropriate or damage the Complainant's trademarks.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

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

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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the trademarks IQOS, ILUMINA and TEREAL for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the Complainant's trademarks is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "acheter" (meaning "to buy" in French), "en ligne" (meaning "online" in French), "blue" and "tabac" (meaning "tobacco" in French), may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is also well accepted that a generic Top-Level Domain ("gTLD"), in this case ".com", is typically ignored when assessing the similarity between a trademark and a domain name. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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.

The Complainant asserts that the Respondent is not using the disputed domain names for a legitimate noncommercial or fair use or in connection with a bona fide offering of goods or services because the Respondent is offering for sale the Complainant's products, without being an authorized distributor or reseller, as well as other tobacco products and accessories of the Complainant's competitors.

Should the tobacco products and relevant accessories purportedly sold on the websites to which the disputed domain names were resolving be genuine products, legitimately acquired by the Respondent, the question that would arise is whether the Respondent would therefore have a legitimate interest in using the disputed domain names that are confusingly similar to the Complainant's trademarks in circumstances that are likely to give rise to confusion.

According to the current state of UDRP decisions in relation to the issue of resellers as summarized in the [WIPO Overview 3.0](#), section 2.8.1:

“(…) resellers, distributors, or service providers using a domain name containing the complainant’s trademark to undertake sales or repairs related to the complainant’s goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the ‘Oki Data test’, the following cumulative requirements will be applied in the specific conditions of a UDRP case:

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

This summary is based on the UDRP decision in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

However, the website to which the disputed domain names resolved (or redirected) is not prominently disclosing the lack of relationship between the Respondent and the Complainant, and it is also offering for sale other electric tobacco products of the Complainant’s competitors. Thus, the Panel is of the opinion that this is sufficient to support the allegation of lack of rights or legitimate interests of the Respondent in relation to this disputed domain names.

Moreover, the Panel finds that the composition of the disputed domain names carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, 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, regarding the registration in bad faith of the disputed domain names, the reputation of the Complainant’s trademarks IQOS, ILUMINA and TEREAL in the field of electric tobacco products is clearly established, and the Panel finds that the Respondent must have known of the Complainant, and deliberately registered the disputed domain names in bad faith, especially because the disputed domain name <acheteriqosilumaenligne.com> includes hyperlinks that redirect to the Respondent’s website at “www.tabacdandorre.com”, intended for Andorra consumers, purportedly advertising and trading the Complainant’s IQOS System, reproducing the trademarks IQOS, ILUMINA and TEREAL of the Complainant and copyrighted Complainant’s products images, as well as offering for sale third party tobacco products of the Complainant’s competitors, and other products of other commercial origin, while the disputed domain names <tereablue.com> and <tereatabac.com>, when the Complaint was filed, were resolving to websites purporting to offer the Complainant’s products along with competing products.

The Panel further notes that the disputed domain name <acheteriqosilumaenligne.com> is, and the disputed domain names <tereablue.com> and <tereatabac.com> were, also used in bad faith, where the Complainant’s trademarks IQOS, ILUMINA and TEREAL are displayed and copyrighted Complainant’s products images are reproduced, and also other electric tobacco products and relevant accessories of the Complainant’s competitors are offered for sale.

As regards the current use of the disputed domain names <tereablue.com> and <tereatabac.com>, resolving to default webpages, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

The above suggests to the Panel that the Respondent intentionally registered and is using the disputed domain names in order both to disrupt the Complainant’s business, and to attract Internet users to its website in accordance with paragraph 4(b)(iv) of the Policy.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names constitutes bad faith under the Policy.

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

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 names <acheteriqosilumaenligne.com>, <tereablue.com> and <tereatabac.com> be transferred to the Complainant.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: November 20, 2025