

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Ali Akram
Case No. D2025-4023

1. The Parties

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

The Respondent is Ali Akram, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <iqospakistan.com> 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 October 2, 2025. On October 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 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 October 3, 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 October 8, 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 October 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 30, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on November 7, 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. (jointly referred to as “PMI”). PMI is a leading international tobacco and smoke-free product company selling its products in approximately 180 countries. Among PMI’s most famous brands is MARLBORO, one of the world’s international selling cigarette brands since 1972.

PMI has invested a considerable amount in developing and marketing reduced risk products. One of these products is a tobacco heating system called IQOS (hereinafter, the “IQOS System”). The IQOS System was first launched in Japan in 2014 and has obtained a 20% market share in this country. Today, the IQOS System is available in around 84 markets across the world and has approximately 33 million legal-aged consumers. The IQOS System has been almost exclusively distributed through PMI’s official IQOS stores and websites and selected authorized distributors and retailers.

The Complainant owns a large portfolio of IQOS marks, among which are the following:

- IQOS (word), International registration No. 1218246, registered on July 10, 2014 for goods and services in classes 9, 11, and 34, designating various jurisdictions worldwide;
- IQOS (word), Pakistan registration No. 482170, registered on January 15, 2018, for goods in class 34;
- IQOS (figurative), Pakistan registration No. 520574, registered on January 21, 2019, for goods in class 34;

The disputed domain name was registered on September 13, 2025 by an individual with address in Pakistan, and resolves to a website allegedly selling 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 the disputed domain name is confusingly similar to its IQOS mark. The disputed domain name reproduces the IQOS mark followed by the geographical term “Pakistan”. The mere addition of this term to the Complainant’s mark cannot prevent a finding of confusing similarity.

The Complainant further contends that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks in any manner whatsoever, including as part of the disputed domain name. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name resolves to an online shop, which is purportedly offering the IQOS System for sale. The website prominently features the IQOS trademark and uses official photographs and marketing material belonging to the Complainant without authorization. Moreover, the Respondent’s website includes a copyright notice that claims copyright in the presented material. The Respondent’s website does not display any information about the website provider, nor does it acknowledge the Complainant as the owner of the IQOS mark. This creates the false impression that the online shop accessible through the disputed domain name belongs to the Complainant or to one of the Complainant’s official distributors or resellers. The illegitimacy of the Respondent’s use of the disputed domain name is further demonstrated by the fact that the Complainant is not currently offering its IQOS System for sale in Pakistan. The online shop accessible via the disputed domain name creates the false impression that the Complainant has officially launched the IQOS System in the Pakistani market. Accordingly, the Respondent cannot claim a bona fide use of the disputed domain name. Consequently, the Respondent clearly intends to obtain unfair commercial gain, by misleadingly diverting consumers or tarnishing the Complainant’s mark.

Lastly, the Complainant contends that the disputed domain name has been registered and is being used in bad faith. It is evident from the Respondent's use of the disputed domain name that the Respondent was aware of the Complainant's mark at the time of the registration of the disputed domain name. The Respondent began offering the Complainant's IQOS system immediately after registering the disputed domain name. Furthermore, the term "iqos" is purely imaginative and unique to the Complainant. It is therefore beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name without intending to create a misleading association with the Complainant.

The Respondent registered and used the disputed domain name to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant's IQOS mark, which constitutes use and registration in bad faith. By reproducing the Complainant's registered mark in the disputed domain name, the Respondent is clearly suggesting that the Complainant is the source of its website, when in fact it is not. This suggestion is further supported by the Respondent's use of the Complainant's official product images, accompanied by a copyright notice claiming the copyright for the website and its contents. Finally, the fact that the Respondent is using a privacy protection service to hide its true identity further supports a finding of bad faith.

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 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 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, "pakistan" 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.

Accordingly, 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 is not affiliated with the Complainant, nor has any other kind of relationship with it. The Complainant has never authorized the Respondent to make use of its IQOS trademark in any manner, including as part of the disputed domain name. There is nothing in the case file to suggest that the Complainant has been commonly known by the disputed domain name.

The disputed domain name resolves to a website depicting the IQOS mark and purporting to sell the Complainant's IQOS System. To promote the IQOS products on its website, the Respondent is using the Complainant's pictures and marketing materials without authorization. The website does not include information about who is selling the IQOS System, nor a disclaimer informing potential customers that the Respondent is not linked to the Complainant. Instead, the website contains the copyright notice "© 2025 Iqos". As the Complainant only distributes its IQOS System through official IQOS stores and websites and selected authorized distributors and resellers, the inclusion of such copyright notice strengthens the false impression that there is a link between the website and the Complainant or one of its affiliates or distributors.

The Complainant has not yet launched its IQOS System in Pakistan. By using the disputed domain name, which reproduces the IQOS mark, followed by the geographical term "Pakistan", to purportedly offer the IQOS System for sale, the Respondent is clearly attempting to profit from the Complainant's absence from the Pakistani market.

In some instances, panels have recognized that resellers or distributors using a domain name containing the complainant's mark to undertake sales related to the complainant's goods may be making a bona fide offering of goods and thus have a legitimate interest in such domain name. This is so, when certain cumulative conditions are fulfilled (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). In this case, the Panel finds that the use of the disputed domain name does not comply with these cumulative conditions. In particular, the Respondent does not prominently and accurately disclose its relationship with the Complainant. Through the disputed domain name and the related website, the Respondent creates the false impression of an affiliation with the Complainant or with one of its authorized distributors or resellers, which does not exist.

Accordingly, the use of the disputed domain name cannot be considered a bona fide use, or a legitimate noncommercial use and cannot confer any right or legitimate interest in the disputed domain name to the Respondent.

For all the aforementioned reasons, 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's IQOS mark is highly distinctive and enjoys strong reputation. Considering the nature of the disputed domain name, which incorporates the Complainant's mark followed by the geographical term "Pakistan", and the misleading use that the Respondent is making of the disputed domain name, it is unlikely that the Respondent registered the

disputed domain name without being aware of the Complainant's mark. On the contrary, it seems highly plausible that the Respondent registered and used the disputed domain name to impersonate the Complainant and create the false impression that the Complainant had opened an official online shop to sell its IQOS System in Pakistan.

Accordingly, the Panel finds that the Respondent registered and is being using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off), constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <iqospakistan.com> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: November 19, 2025