

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Elegant Digital, Eleganti Digital Co., Ltd.,
Tosapon Pongwong, Elegant Digital Co., Ltd.
Case No. D2025-4024

1. The Parties

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

The Respondents are Elegant Digital, Eleganti Digital Co., Ltd., Thailand, and Tosapon Pongwong, Elegant Digital Co., Ltd., Thailand.

2. The Domain Names and Registrars

The disputed domain name <thailand-iqos.com> is registered with CloudFlare, Inc.

The disputed domain name <thailandiqos.com> is registered with NameCheap, Inc. (jointly, the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 2, 2025. On October 2 and 5, 2025, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On October 3 and 6, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Data Redacted and Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 7, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on October 31, 2025.

The Center verified that the 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 19, 2025.

The Center appointed Assen Alexiev as the sole panelist in this matter on November 25, 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.

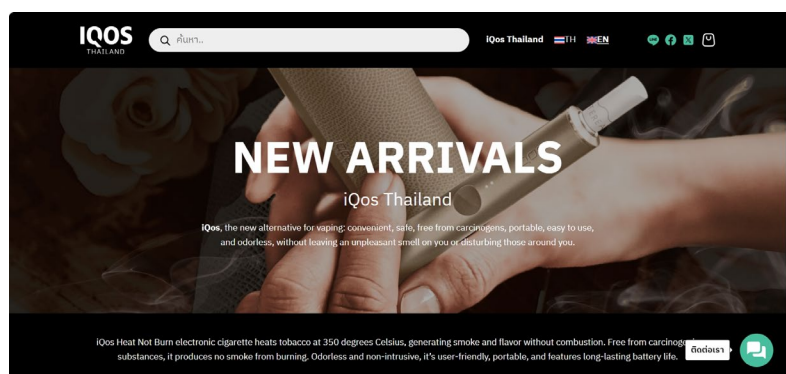
4. Factual Background

The Complainant is affiliated to Philip Morris International Inc., which is a leading international tobacco company with products sold in about 180 countries. The Complainant's group of companies has developed the Iqos system – a heating device into which specially designed tobacco products under the brand names HEETS, HEATSTICKS, DELIA, LEVIA or TEREA are inserted and heated to generate a nicotine-containing aerosol. The Iqos system was first launched in Japan in 2014 and has a 20% market share in this country. The Iqos system is now available in key cities in 84 countries through official IQOS stores and websites and selected authorized distributors and retailers, and has about 33 million users.

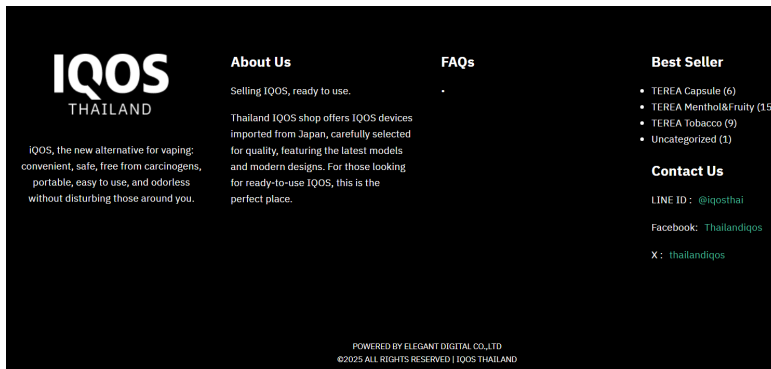
The Complainant is the owner of a number of trademark registrations for IQOS (the "IQOS trademark"), including the following representative registrations in Thailand, where the Respondent is located:

- the Thai trademark IQOS with registration No. TM416024, registered on May 4, 2016, for goods in International Class 34;
- the International trademark IQOS with registration No. 1461017, registered on January 18, 2019, for goods in International Classes 9 and 34; and
- the International trademark IQOS with registration No. 1557546, registered on August 27, 2020, for goods and services in International Classes 9, 18, 34, 35, 37 and 41.

The disputed domain name <thailandiqos.com> was registered on May 28, 2024, and the disputed domain name <thailand-iqos.com> was registered on July 25, 2025. They both redirect to the same online shop at the domain name <i-q-os-thailand.com> in Thai and English that prominently displays the Complainant's IQOS trademark at the top of the website and on its tab title, and offers for sale various products of the IQOS system with prices in Thai Baht currency, using the Complainant's official product images. The title page of the English version of this website has the following appearance:



The website also displays the following copyright notice and information about its provider:



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.

The Complainant states that the disputed domain names are confusingly similar to its IQOS trademark, because they identically reproduce the trademark in combination with the non-distinctive geographical indication "Thailand", which is not sufficient to avoid the confusing similarity with the trademark. According to the Complainant, when visiting the website at the disputed domain names, any Internet user would reasonably expect to find a website commercially linked to the owner of the IQOS trademark, an association which is exacerbated by the display there of the Complainant's official product images without the Complainant's authorization.

The Complainant maintains that the Respondents have no rights or legitimate interests in respect of the disputed domain names, because the Complainant has not licensed them to use the IQOS trademark or to register a domain name incorporating it, and they are not authorized distributors or resellers of the Iqos System. The Complainant submits that the Respondents intend to obtain an unfair commercial gain by misleading and diverting consumers of the Complainant's products. The Complainant also notes that the website to which the disputed domain names redirect does not meet the requirements for a bona fide offering of goods, because it falsely suggests an affiliation with the Complainant and its IQOS trademark. The Complainant adds that this website prominently and without authorization displays the IQOS trademark and uses the Complainant's official product images without authorization, but includes no information for the identity of the provider of the website, which is only referred to as "IQOS Thailand". The Complainant adds that the website also claims copyright in its content, which supports the false impression that it is authorized by the Complainant. According to the Complainant, since its IQOS System is primarily distributed through official or endorsed stores, in this case Internet users will be misled regarding the relationship between the provider of the website and the Complainant, and will mistakenly believe that the website to which the disputed domain names redirect is an official or endorsed distributor. The Complainant also notes that it does not currently offer its IQOS System products for sale in Thailand, and the online shop associated to the disputed domain names creates the false impression that the Complainant has officially introduced the IQOS System in Thailand.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. According to it, the Respondents knew of the Complainant's IQOS trademark when registering the disputed domain names, and they started offering the Complainant's IQOS System immediately after registering the disputed domain names. The Complainant maintains that the term IQOS is purely imaginative and unique to the Complainant and is not commonly used to refer to tobacco products or electronic devices. According to the Complainant, the Respondents registered and used the disputed domain names with the intention to attract, for commercial gain, Internet users to the website to which the disputed domain names redirect by creating a likelihood of confusion with the IQOS trademark as to the source, sponsorship, affiliation, or

endorsement of its website and of the products on its website, which constitutes registration and use in bad faith under paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural issue – Consolidation of multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the registrant contact information for each of the two disputed domain names is highly similar and almost identical, and that they share an almost identical composition, comprising the IQOS trademark and the same geographical term "Thailand". The disputed domain names also redirect to the same website.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 the IQOS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the IQOS trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the IQOS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

The Panel therefore finds that 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain names, stating that the Respondent has not been authorized by the Complainant to use the IQOS trademark or to distribute the IQOS products, and that the Respondent is not carrying out a bona fide use of the disputed domain names. According to the Complainant, the Respondent uses the disputed domain names for a website that offers the Complainant’s IQOS products for sale, displays the Complainant’s IQOS trademark and official product images on the website without authorization by the Complainant and without disclosing the lack of relationship between the Parties. Thus, the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent has not submitted a Response and has not alleged that it has rights or legitimate interests in the disputed domain names and has not disputed the Complainant’s allegations in this proceeding.

As summarized in section 2.8.1 of [WIPO Overview 3.0](#), panels under the Policy have recognized that resellers and distributors using a domain name containing the complainant’s trademark to undertake sales of the complainant’s goods may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name, if they comply with certain cumulative requirements, among which is the requirement that the reseller’s or distributor’s website must accurately and prominently disclose its relationship with the trademark holder. This requirement has not been complied with in the present case. The disputed domain names are confusingly similar to the IQOS trademark and Internet users may regard them as referring to a location where the Complainant’s IQOS products are offered for sale in Thailand. The disputed domain names redirect to a website that offers the Complainant’s IQOS products, displays the IQOS trademark and product images without identifying the supplier of the offered goods and without disclosing the lack of relationship between the Parties. The copyright notice on the website falsely claims the copyright in its content without mentioning the Complainant.

In view of the above and in the lack of any denial by the Respondent of it, the Panel is satisfied that it is more likely than not that the Respondent, being aware of the goodwill of the Complainant’s IQOS trademark, has registered and used the disputed domain names in an attempt to exploit the trademark’s goodwill to attract Internet users to the Respondent’s website which offers the Complainant’s products by misleading them that this website has been authorized by the Complainant and is commercially linked to it. To the Panel, such conduct does not appear to be legitimate and giving rise to rights or legitimate interests of the Respondent in the disputed domain names.

Therefore, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain names and that 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.

As discussed above, the disputed domain names fully incorporate the IQOS trademark in combination with the element “thailand” and thus appears to be directed at the market in Thailand. The Respondent does not deny that they redirect to a website in Thai and English that offers the Complainant’s IQOS products with prices in Thai Baht currency and displays the IQOS trademark and product images, without disclosing the lack of relationship with the Complainant.

Taking the above into account, the Panel accepts that it is more likely than not that the Respondent has registered the disputed domain names with knowledge of the Complainant and targeting the IQOS trademark in an attempt to attract traffic to the disputed domain names by confusing Internet users that they are reaching an official or authorized online location where the Complainant’s IQOS products are offered for sale in Thailand, and has used the disputed domain names to offer the Complainant’s products for commercial gain. As also noted by the Complainant, it has not yet introduced its Iqos System products into the Thai market, and the Respondent’s actions create a false appearance that this has happened. This may interfere with the Complainant’s business strategy.

Taking the above into account, the Panel finds that the disputed domain names have been registered and are being used in bad faith, and 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 names <thailand-iqos.com> and <thailandiqos.com> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: December 9, 2025