

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Cihan Cilsal
Case No. D2025-4301

1. The Parties

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

The Respondent is Cihan Cilsal, Türkiye.

2. The Domain Names and Registrar

The disputed domain names <iqosistanbul.com>, <tereaistanbul.com>, and <tereasiparis.com> are registered with Nics Telekomunikasyon A.S. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 20, 2025. On October 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 23, 2025, 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 (Terea İstanbul, REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 30, 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 November 3, 2025.

On October 30, 2025, the Center informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain names is Turkish. On November 3, 2025, 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 English and Turkish of the Complaint, and the proceedings commenced on December 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 22, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on January 5, 2026. 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 Swiss company established under the laws of Switzerland and a subsidiary of Philip Morris International, Inc. The Complainant is a leading international tobacco and smoke-free products company, with products sold in approximately 180 countries. One of the products developed and sold by the Complainant is the Iqos tobacco heating system. Iqos is a precisely controlled heating device into which specially designed tobacco sticks under the brand names Heets, Heatsticks, Delia, Levia, or Terea are inserted. There are six versions of the Iqos device currently available, including Iqos Iluma and Iqos Iluma I.

For its smoke-free products, the Complainant owns a large portfolio of registered trademarks covering different jurisdictions, including Türkiye, where the Respondent is located. These trademark registrations include, among others, the following:

- International trademark registration No. M-1218246 for IQOS, registered on July 10, 2014, in classes 9, 11, and 34;
- International trademark registration No. 1765887 for TEREA, registered on October 19, 2023, in class 34; and
- Turkish trademark registration No. 2019 128867 for TEREA, registered on September 17, 2020, in class 34.

The disputed domain names <iqosistanbul.com> and <tereaistanbul.com> were registered on December 5, 2023. The disputed domain name <tereasiparis.com> was registered on March 22, 2025. The disputed domain names resolve to the identical online shops allegedly selling and offering the Complainant's products. These online shops also display the Complainant's trademarks, official product images, marketing materials, and the official Iqos System videos. Lastly, these websites also include the statements "İstanbul Yetkili Bayii" and "ILUMA İstanbul Yetkili Bayii" in Turkish at the bottom of the websites, which can be translated as follows respectively: "Istanbul Authorized Dealer" and "ILUMA Istanbul Authorized Dealer".

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's contentions regarding the three elements under the Policy can be summarized as follows:

First, the Complainant submits that the disputed domain names are confusingly similar to the IQOS and/or TEREA trademarks.

Second, the Complainant notes that it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating the said trademarks. The Complainant also contends that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain

names. On the contrary, the Complainant claims that the Respondent's behavior shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant.

Third, the Complainant submits that the disputed domain names were registered and are being used in bad faith. In this regard, the Complainant, *inter alia*, asserts that the Respondent knew of the Complainant's trademarks when registering the disputed domain names, and the Respondent registered and is using the disputed domain names with the intention to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trademarks.

B. Respondent

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

6. Discussion and Findings

6.1. Language of Proceedings

The language of the Registration Agreement for the disputed domain names is Turkish. 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, in particular, the fact that the websites under the disputed domain names also include a number of English words, suggesting that the Respondent understands English, and the translation of the Complaint and all supporting documents into Turkish would cause an unnecessary burden to the Complainant and unnecessarily delay the proceeding. The Panel also notes that 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.

6.2. Substantive Issues

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 Panel finds the marks IQOS or TEREA are reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “Istanbul” or “siparis” (referring to the word “sipariş”, and meaning “order” in the Turkish language), 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 marks 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 names. The Panel notes the Complainant’s assertion that it has not licensed or permitted the Respondent to use any of its trademarks or to register the disputed domain names incorporating the trademarks IQOS or TEREA. In particular, the Panel finds that the online shops at the disputed domain names do not accurately and prominently disclose the Respondent’s lack of relationship with the Complainant. Quite the contrary, the websites at the disputed domain name display the false and misleading statement that the Respondent is an authorized dealer of the Complainant’s products in Istanbul. Therefore, the Panel finds that the Respondent’s use of the disputed domain names does not meet the cumulative requirements outlined in the “Oki Data test” and the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services. (See, [WIPO Overview 3.0](#), section 2.8) Lastly, the Panel finds that the compositions of the disputed domain names carry a risk of implied affiliation with the Complainant. See, [WIPO Overview 3.0](#), section 2.5.1.

By failing to submit a Response, 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.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the disputed domain names fully incorporate the trademarks IQOS or TEREA, which have been registered prior to the registration of the disputed domain names, with the addition of the geographic term “Istanbul” or the generic term “siparis”. In addition, the disputed domain

names resolve to online shops allegedly selling and offering the Complainant's products and displaying the Complainant's trademarks, official product images, and marketing materials. The Panel also takes into account the statement displayed on the websites mentioned above. Under these circumstances, the Panel finds it evident that the Respondent has registered the disputed domain names with knowledge of the Complainant's trademarks and with the objective of targeting these trademarks.

Considering the use of the disputed domain names described above, the Panel finds that the Respondent acts in bad faith as it has intentionally attempted to attract, for commercial gain, Internet users to his online shops, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of his online shop.

Based on the available record, 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 names <iqosistanbul.com>, <tereastanbul.com>, and <terreasiparis.com> be transferred to the Complainant.

/Mehmet Polat Kalafatoglu/

Mehmet Polat Kalafatoglu

Sole Panelist

Date: January 19, 2026