

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Ahmet taş
Case No. D2025-4430

1. The Parties

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

The Respondent is Ahmet taş, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <atasehirtereemarket.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 28, 2025. On October 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

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 November 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2025. The Complainant filed an amended Complaint on November 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 23, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on December 26, 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, a Swiss company established under the laws of Switzerland, is part of the group of companies affiliated to Philip Morris International Inc. (jointly referred to as "PMI"). PMI is one of the leading international tobacco companies, with products sold in approximately 180 countries. In the course of transforming its business from combustible cigarettes to Reduced Risk Products (or "RRPs", which PMI defines as products that present, are likely to present, or have the potential to present, less risk of harm to smokers who switch to those products instead of continuing to smoke), PMI has developed a number of products. One of these RRPs developed and sold by PMI is branded IQOS. IQOS is a controlled heating device into which specially designed tobacco products under the brand names HEETS, HeatSticks, TEREA, or LEVIA, are inserted and heated to generate a nicotine-containing aerosol (collectively referred to as the "IQOS System").

The Complainant has proven to be the owner of numerous registrations for the IQOS, HEETS, and TEREA trademarks.

The Complainant is, *inter alia*, the owner of:

- International Registration for TEREA FOR IQOS ILUMA (device), No. 1629687, registered on August 26, 2021;
- International Registration for TEREA (word), No. 1765887, registered on October 19, 2023;
- Turkish Registration for TEREA (word), No. 2019 128867 registered on September 17, 2020;
- International Registration for IQOS, No. 1218246, registered on July 10, 2014;
- International Registration for IQOS (device), No. 1461017, registered on January 18, 2019; and
- International Registration for HEETS, No. 1326410, registered on July 19, 2016.

The disputed domain name was registered on July 19, 2025. Currently the disputed domain name appears to be inactive. However, from the evidence filed by the Complainant, it appears that previously (at least on October 27, 2025) the disputed domain name resolved to an online shop allegedly offering the Complainant's IQOS System. On the Respondent's website the Complainant's registered IQOS, TEREA and ILUMA trademarks, as well as a number of the Complainant's official product images, were prominently displayed.

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 the TEREA trademarks, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith.

The Complainant has also highlighted that the Respondent's website was provided in Turkish, and that, in presenting its address as "Atasehir", a city located in Türkiye, clearly indicated that the website was directed to Türkiye. However, the Complainant's IQOS system is not currently sold in Türkiye.

B. Respondent

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

The Panel therefore will decide the present case without considering the amended Complaint.

6. Discussion and Findings

The amended Complaint was filed on November 18, 2025, after the proceedings had commenced.¹ The Panel notes that the Center's Notice of Registrant Information was an invitation to amend the Complaint, and the Complainant was not required to do so.

In order for the Complainant to obtain the transfer of the disputed domain name, paragraphs 4(a)(i)-(iii) of the Policy require that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is 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.

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 Complainant's TEREA trademark is reproduced and 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, "atasehir" and "market", 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 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

¹ The Panel notes that the Respondent was copied to the Complainant's email communication filing the amended Complaint.

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 Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. In fact, the Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademarks. The Respondent does not appear to be commonly known by the disputed domain name, the name "terea" or by a similar name. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. The Respondent offers what appears to be the Complainant's products for sale, without disclosing the (non-existent) relationship between the Complainant and the Respondent.

Such use cannot constitute any bona fide offering of goods or services, nor legitimate noncommercial or fair use of the disputed domain name.

Finally, the Respondent has not replied to the Complainant's contentions, alleging any 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.

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 Respondent could not have been unaware of the existence of the Complainant's trademark when registering the disputed domain name.

In fact, it appears that the Respondent started offering the Complainant's IQOS/TEREA/ILUMA-branded products immediately after registering the disputed domain name. In addition, the term "terea" is not commonly used to refer to tobacco products or electronic devices. It is therefore unlikely that the Respondent chose the disputed domain name which contains in its entirety the Complainant's trademark, a geographical term and the term "market" without the intention of invoking a misleading association with the Complainant.

Indeed, it is evident from the Respondent's use of the disputed domain name that the Respondent registered and has used the disputed domain name with the intention to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

This Panel thus finds that the above use of the disputed domain name constitutes a disruption of the Complainant's business and qualifies as bad faith registration and use under paragraph 4(b)(iii) of the Policy.

The disputed domain name is currently inactive. 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. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes that in the circumstances of this case neither the website which the disputed domain name previously resolved to, nor the current passive holding of the disputed domain name, prevent a finding of bad faith under the Policy.

Finally, the Respondent has not responded to (nor denied) the assertions made by the Complainant in this proceeding.

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 <atasehirteremarket.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: January 9, 2026