

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Products S.A. v. Abir Khan  
Case No. D2025-4434

### **1. The Parties**

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

The Respondent is Abir Khan, United Arab Emirates.

### **2. The Domain Name and Registrar**

The disputed domain name <heetemirates.com> is registered with Hostinger Operations, UAB (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 October 29, 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 (Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 4, 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 November 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 26, 2025-

The Center appointed Tobias Malte Müller as the sole panelist in this matter on December 2, 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

It results from the Complainant's undisputed allegations that it is a company which is part of the group of companies affiliated to Philip Morris International Inc., an 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 a tobacco heating system called IQOS. IQOS is a precisely controlled heating device into which specially designed tobacco sticks amongst others under the brand names HEETS, are inserted and heated to generate a flavorful nicotine-containing aerosol.

The Complainant is the registered owner of many trademarks worldwide for HEETS and IQOS, including:

- HEETS - International trademark registration No. 1326410, registered on July 19, 2016, for goods in classes 9, 11, and 34 and designating amongst others the European Union;
- HEETS - United Arab Emirates Registration No. 256864, registered on December 25, 2017, for goods in class 34;
- IQOS - International trademark registration No. 1218246, registered on July 10, 2014, for goods in classes 9, 11 and 34 and designating amongst others the European Union; and
- IQOS - United Arab Emirates Registration No. 305079 (word/stylised), registered on June 17, 2029 for goods in class 34.

The disputed domain name was registered on November 30, 2024. The undisputed evidence provided by the Complainant shows that the disputed domain name resolves to a web shop that allegedly sells and offers the Complainant's tobacco products, as well as competing third party tobacco and other products of different commercial origin. In addition, this web shop uses amongst others the Complainant's IQOS and HEETS trademarks and furthermore a number of the Complainant's official product images without the Complainant's authorization. This web shop contains the following disclaimer: "HeetsEmirates has no affiliation with Philip Morris International (PMI). This is Not the official Website of PMI and IQOS."

#### 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:

(1) the disputed domain name is confusingly similar to its trademarks, since it adopts the word "heet" which is nearly identical and therefore highly similar to the Complainant's HEETS trademarks. The disputed domain name contains obvious and sufficiently recognizable aspects of the HEETS trademark. Furthermore, the addition of merely generic, descriptive, or geographical wording to a trademark in a domain name – such as "emirates" in the case at hand – is insufficient in itself to avoid a finding of confusing similarity;

(2) the Respondent lacks any rights or legitimate interests in the disputed domain name. In particular, the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its HEETS trademark. Furthermore, the Respondent's behaviour 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. It is a common principle that the use of a domain name cannot be "fair" if it suggests an affiliation with the trademark owner. Such an affiliation is suggested in the case at hand by the following facts: (i) the disputed domain name almost entirely contains the HEETS trademark, (ii) the website prominently presents the Complainant's trademark HEETS and IQOS trademarks and others without authorization, and (iii) the website further uses the Complainant's official product images without authorization; and

(3) the Respondent's registration and use of the disputed domain name constitutes bad faith in particular, because by using the disputed domain name, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location. Since the disputed domain name is used for a website showing the Complainant's official product images and selling the Complainant's HEETS and IQOS products along with competing third party products and accessories, the Respondent's use of the disputed domain name constitutes bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

### **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.

Proceeding to a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark HEETS, the Panel finds that the relevant mark is recognizable in the disputed domain name, as the disputed domain name reproduces almost the entirety of the Complainant's trademark only omitting the letter "s". 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 term, here "emirates", 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.

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.

First, it results from the Complainant’s uncontested evidence that the disputed domain name contains the HEETS trademark (only omitting the letter “s” in the end). The Complainant’s uncontested allegations demonstrate that it has not authorized the Respondent’s use of the HEETS trademarks for registering the confusingly similar disputed domain name, which resolves to a web shop that allegedly sells and offers the Complainant’s tobacco products, as well as competing third party tobacco and other products of different commercial origin. In addition, this web shop prominently uses a number of the Complainant’s official product images without the Complainant’s authorization and also the HEETS and IQOS trademarks. Although there is a disclaimer on the website at the disputed domain name of no affiliation with the Complainant, such disclaimer is buried among other contents on the website, so that it could be easily overlooked by Internet users. Moreover, the website offers third party competing products for sale. In the Panel’s view, such use cannot be qualified as a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy, and the *Oki Data* test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Furthermore, the Panel notes that there is no evidence in the record or Whois information showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, the Panel notes that there is no evidence in the record either showing that the Respondent might be making a noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue pursuant to paragraph 4(c)(iii) of the Policy. In this regard, the disputed domain name is used for a commercial website, so that a noncommercial use is excluded from the outset.

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 by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website for the reasons below (paragraph 4(b)(iv) of the Policy).

It results from the Complainant's documented allegations that the disputed domain name contains the HEETS trademark (only omitting the letter "s" in the end) and resolves to a web shop that allegedly sells and offers the Complainant's tobacco products, as well as and competing third party tobacco and other products of different commercial origin. In addition, this web shop prominently uses a number of the Complainant's official product images without the Complainant's authorization and the Complainant's HEETS and IQOS trademarks. For the Panel, it is therefore evident that the Respondent knew of the Complainant's trademarks and products. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name almost entirely includes the Complainant's trademark when it registered the disputed domain name.

The finding of bad faith registration and use is supported by the following further circumstances resulting from the case at hand:

(i) the Respondent's failure to submit a Response: and

(ii) the fact that the details disclosed for the Respondent by the Registrar are either false or incomplete, noting the courier's inability to deliver the Center's Written Notice.

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 name <heetemirates.com> be transferred to the Complainant.

*/Tobias Malte Müller/*

**Tobias Malte Müller**

Sole Panelist

Date: December 16. 2025