

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Products S.A. v. Alp Ay, Celuvia  
Case No. D2025-4450

### **1. The Parties**

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

The Respondent is Alp Ay, Celuvia, France.

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

The disputed domain name <iqostereasigara.com> is registered with Squarespace Domains 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 29, 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 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent an informal communication on November 3, 2025. The Complainant filed amended Complaints on November 3, November 4, and November 7, 2025.

The Center verified that the Complaint together with the amended Complaints 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Respondent did not submit any formal response. Accordingly, the Center notified the commencement of the panel appointment process on December 5, 2025.

The Center appointed Olga Zalomiy as the sole panelist in this matter on December 10, 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 a leading tobacco company and a member of the group of companies affiliated with it. The Company manufactures and sells six versions of tobacco heating systems under various IQOS brands, as well as specially designed tobacco sticks manufactured under the brand names HEETS, HEATSTICKS, DELIA, LEVIA, and TERE. The Complainant is the owner of several IQOS, TERE, HEETS, and other trademarks worldwide, including:

- International Registration No. 1218246 for the mark IQOS (word) registered on July 10, 2014;
- International Registration No. 1326410 for the HEETS (word) mark, registered on July 19, 2016; and
- International Registration No. 1765887 for the TERE (word) mark, registered on October 19, 2023.

The disputed domain name was registered on July 3, 2025. The disputed domain name currently does not resolve to any active website. In the past, it directed to a website in Turkish that offered for sale purported IQOS systems, TERE, HEETS, and ILUMA sticks in Türkiye. The website at the disputed domain name did not provide any information about its owner, which was identified as "iQOS Tere sigara.com". The website under the disputed domain name displays IQOS, TERE, HEETS, and ILUMA trademarks of the Complainant, and a number of the Complainant's official product images and Complainant's marketing materials, as well as other Complainant's registered trademarks.

#### **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 Complainant's IQOS, and TERE trademarks because the disputed domain name incorporates the Complainant's IQOS, and TERE marks in their entirety. The generic Top Level Domain ("gTLD") ".com" in the disputed domain name is disregarded under the confusing similarity test as a standard registration requirement. The addition of the descriptive word "sigara", which is informally translated as "cigarette", to the Complainant's IQOS, and TERE trademarks in the disputed domain name is not sufficient to overcome the confusing similarity between the mark and the disputed domain name.

According to the Complainant, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, because the Respondent lacks authorization or a license to sell or distribute the IQOS System. Second, the Complainant contends that the Respondent's actions do not meet the requirements for a bona fide offering of goods, because: (i) the composition of the disputed domain name suggest affiliation with the Complainant and its IQOS, and TERE marks; (ii) the owner / administrator of the website, prominently and without authorization presents the Complainant's registered IQOS, TERE, and HEETS trademarks and the Complainant's official product images; and (iii) the website does not provide information about the identity of the provider, only identifying itself as "iQOS Tere sigara.com". The Complainant argues that consumers are likely to mistakenly believe that the website associated with the disputed domain name is operated by an official or endorsed distributor given that the Complainant's IQOS System is distributed through official or endorsed stores, none of which currently exists in the territory of Türkiye, where the Respondent attempts to sell the purported IQOS System.

The Complainant contends that the Respondent's registration and use of the disputed domain name constitute bad faith because: (i) the Respondent was evidently aware of the Complainant's IQOS, and TEREА trademarks at the time of registration of the disputed domain name, as demonstrated by the Respondent's offering of IQOS System for sale on the website associated with the disputed domain name. The Complainant contends that the Respondent selected the disputed domain name with the intent to create a misleading association with the Complainant, given that the terms "iqos" and "terea" are imaginative and distinctive and uniquely associated with the Complainant.

The Complainant further asserts that the Respondent registered and is using the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's registered IQOS, and TEREА trademarks as to the source, sponsorship, affiliation, or endorsement of the website and the services offered thereon. By reproducing the Complainant's trademarks in the disputed domain name and displaying the Complainant's product images on the website, the Respondent falsely suggests an affiliation with the Complainant. This contention is further supported by the Respondent's unauthorized use of the Complainant's images. Finally, the Complainant notes that the Respondent's use of a privacy protection service to conceal its true identity constitutes an additional factor supporting a finding of bad faith.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions. However, the Respondent sent an email in Turkish inquiring about the matter.

## **6. Discussion and Findings**

Pursuant to paragraph 4(a) of the UDRP, to succeed in this proceeding, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 entirety of the marks IQOS, and TEREА are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. It is well-established that the applicable gTLD ".com" should be disregarded under the confusingly similarity test as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms here, "sigara", 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 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.

Here, the evidence on file shows that the Respondent has not been commonly known by the disputed domain name because the Respondent’s name is reportedly Alp Ay, its organization name is Celuvia. Second, the Complainant contends, and the Respondent does not deny that the Complainant did not authorize the Respondent’s use of the Complainant’s trademark in the disputed domain name. Third, the Respondent is not making legitimate noncommercial or fair use of the disputed domain name, because the Respondent is using the disputed domain name, which suggests affiliation between the Complainant and the Respondent, to direct to an online store selling purported IQOS Systems and TEREА, HEETS, and ILUMA heating sticks.

Previous UDRP panels have recognized that resellers or distributors using domain names containing complainant’s trademark to undertake sales of the complainant’s goods may be making a bona fide offering of goods and thus have a right or legitimate interest in such domain names in some situations. <sup>1</sup>

Outlined in the *Oki Data* case<sup>2</sup>, the following cumulative requirements must be satisfied for the respondent to make a bona fide offering of goods and services:

- “(i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder; and
- (iv) the respondent must not try to ‘corner the market’ in domain names that reflect the trademark.”<sup>3</sup>

In this case, the Respondent’s use of the disputed domain name does not satisfy requirements of such bona fide offering of goods and services. The Respondent is using the disputed domain name to direct to a website in Turkish that is offering for sale in Türkiye purportedly the Complainant’s IQOS Systems, as well as HEETS, TEREА, and ILUMA heating sticks. The website at the disputed domain name suggests affiliation between the Complainant and the Respondent because it prominently displays the Complainant’s IQOS, TEREА, HEETS, ILUMA and other trademarks, and the Complainant’s photographs of its products. The website at the disputed domain name does not accurately and prominently disclose lack of relationship between the Respondent’s and the Complainant.

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.

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<sup>1</sup>Section 2.8.1, [WIPO Overview 3.0](#).

<sup>2</sup> *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

<sup>3</sup> Section 2.8.1, [WIPO Overview 3.0](#).

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 Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to 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. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, [...] (vi) absence of any conceivable good faith use." [WIPO Overview 3.0](#), section 3.1.4.

Given the renown of the Complainant's IQOS mark, the fact that IQOS systems are only sold via authorized representatives and there are no such representatives in Türkiye, where the Respondent attempted to offer for sale purported IQOS Systems, and TEREА heating sticks, as well as products under other Complainant's brands, the Respondent could not plausibly assert that he was not aware of the Complainant's rights in the IQOS, and TEREА marks at the time of the disputed domain name registration. Instead, it is likely that the Respondent registered the disputed domain name to trade on the goodwill of the Complainant's trademarks.

Furthermore, the website at the disputed domain name was designed to look like a website of an official or authorized reseller of the Complainant's products in Türkiye, even though the Complainant's products are not sold in that market. The Respondent's website prominently displayed the Complainant's TEREА, IQOS, HEETS, and ILUMA trademarks, and the Complainant's photographs of its products. The Respondent used the Complainant's IQOS, and TEREА trademarks together with the word "sigara" all over the website at the disputed domain name. Based on the above, the Panel concludes that the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to 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. Such use is in bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademarks, the composition of the disputed domain name, and the Respondent's prior use of the disputed domain name, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of 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 <iqostereasigara.com> be transferred to the Complainant.

*/Olga Zalomiy/*

**Olga Zalomiy**

Sole Panelist

Date: December 16, 2025