

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. 哥 哲
Case No. D2025-4457

1. The Parties

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

The Respondent is 哥 哲, China.

2. The Domain Names and Registrar

The disputed domain names <hk-iqos.com> and <iqos-terea-shop.com> are registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 29, 2025. On October 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 30, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) 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.

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 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2025.

The Center appointed Anna Carabelli 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

The Complainant is part of the Philip Morris International group of companies. The Complainant's group is engaged in the production of tobacco products and has developed a tobacco heating system under the brand name IQOS.

IQOS is a heating device into which a specially designed tobacco sticks branded "HEETS" (or "HeatSticks" or "TEREA") are inserted and heated to generate a nicotine contained aerosol. The IQOS system was first launched in Japan in 2014 and is currently distributed almost exclusively through the Complainant's official stores and websites in around 84 markets across the world. There are six versions of IQOS heating device currently available, including the IQOS ILUMA and IQOS ILUMA i.

The Complainant owns a portfolio of registered trademarks for its own smoke free products in various jurisdiction, including China where the Respondent is purportedly based. The Complainant's portfolio of trademarks includes in particular:

- Chinese Registration IQOS (device) No. 49264074 registered on May 7, 2021;
- Chinese Registration IQOS (device) No. 37632252 registered on December 21, 2019;
- Chinese Registration IQOS (word) No. 16314286 registered on May 14, 2016;
- International Registration IQOS (device) No. 1338099 registered on November 22, 2016 (hereinafter collectively the IQOS Trademarks);
- International Registration ILUMA (word) No. 1764390 registered on October 12, 2023; and
- International Registration TEREА (word) No. 1765887 registered on October 19, 2023.

The disputed domain names <hk-iqos.com> and <iqos-terea-shop.com> were registered on March 21, 2025 and June 3, 2025, respectively, with the same Registrar.

As per the undisputed evidence provided with the Complaint, the disputed domain name <hk-iqos.com> resolved to an active website that allegedly offered the Complainant's IQOS, IQOS ILUMA, and TEREА branded products for sale, as well as included links redirecting to a third-party online shop that allegedly sold third-party tobacco products; the disputed domain name <iqos-terea-shop.com> resolved to an active website allegedly offering for sale the Complainant's IQOS system products as well as third-party tobacco products.

The above websites were provided in Chinese and prominently displayed the Complainant's IQOS and TEREА trademarks, as well as imagery of IQOS official products and stores, and a copyright notice that can be loosely translated as follows: "Copyright © 2025 Hong Kong IQOS ILUMA TEREА Cartridge Cigarette Machine official Website" and "Copyright © 2025 Hong Kong IQOS ILUMA Cigarette Machine".

At the time of this Decision, the disputed domain names resolve to inactive webpages displaying a notice that the site can't be reached.

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.

Notably, the Complainant contends that:

- The disputed domain names are identical or confusingly similar with the Complainant's IQOS Trademarks, that are entirely incorporated in the disputed domain names with the addition of the non-distinctive element "hk" (which is the geographical abbreviation for Hong Kong, China), and of the generic term "shop";
- The Respondent has no rights or legitimate interests in the disputed domain names. In this connection the Complainant contends that the Respondent (i) has not been authorized, licensed or otherwise permitted to use the Complainant's IQOS Trademarks, (ii) is not an authorized distributor of the IQOS system, and (iii) is selling competing tobacco products and/or accessories of other commercial origin. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain names and does not meet the requirements for a bona fide offering of goods set out by numerous panel decisions, starting with the leading OKI Data case (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)); and
- The disputed domain names were registered and used in bad faith. In this connection the Complainant submits that its trademark IQOS is purely an imaginative term and is well known worldwide. The Respondent's use of the disputed domain names in connection with the Complainant's IQOS branded products clearly indicates that the Respondent knew of the Complainant's IQOS Trademarks when registering the disputed domain names. The Complainant also submits that when visiting the websites provided under the disputed domain names, Internet users will reasonably expect to find a website commercially linked to the owner of the IQOS Trademarks. The Respondent shows a clear intent to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's IQOS Trademarks. Finally, the fact that the Respondent is using a privacy protection service to hide its true identity may in itself constitute a factor indicating bad faith.

Based on the above the Complainant requests the disputed domain names be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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 names. 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 entirety of the Complainant's registered IQOS Trademarks is reproduced and recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel notes that the disputed domain name <iqos-terea-shop.com> also incorporates the Complainant's TEREIA mark.

Although the addition of other terms, here "hk" and "shop" both preceded by a hyphen, 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 Complainant's IQOS Trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the generic Top-Level Domain, such as ".com", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

Additionally, the composition of the disputed domain names (containing the Complainant's IQOS Trademarks) and the content of the Respondent's websites (displaying the Complainant's IQOS logotype as well as imagery of the Complainant's stores and products and purportedly offering for sale the Complainant's IQOS products) create a risk of confusion for Internet users. As per the undisputed evidence submitted with the Complaint, the Respondent's websites fail to accurately disclose the relationship, or lack thereof, to the Complainant. In addition, the websites at the disputed domain names either include links redirecting to a third-party website selling competing products or sell third-party competing products directly. This as a whole cannot constitute fair use.

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 disputed domain names incorporate the IQOS Trademarks and have been used by the Respondent to sell directly or indirectly third-party products along with purported products of the Complainant. The Complainant's trademark IQOS also appears on the Respondent's websites, as shown by the evidence submitted with the Complaint.

All the above indicates that the Respondent had the Complainant or its trademarks in mind when selecting the disputed domain names. On the balance of probabilities, and in the absence of any evidence to the contrary, the Panel concludes that the Respondent set out to target the Complainant's marks and to deceive consumers by adopting confusingly similar disputed domain names, with an intention to divert Internet users to its websites for commercial purposes, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of its websites. This is evidence of bad faith under paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4.

The fact that the disputed domain names do not currently point to active websites and merely resolve to webpages stating that the site can't be reached, does not prevent a finding of bad faith under the passive holding doctrine given the totality of the circumstances in the present case. [WIPO Overview 3.0](#), section 3.3.

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 <hk-iqos.com> and <iqos-terea-shop.com> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: December 15, 2025