

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Products S.A. v. Turan Altunoglu  
Case No. D2025-4651

### **1. The Parties**

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

The Respondent is Turan Altunoglu, Türkiye.

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

The disputed domain names <tereasigara.com> and <tereasigara1.com> are registered with Nics Telekomunikasyon A.S. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 10, 2025. On November 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 12, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 21, 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 26, 2025.

On November 21, 2025, the Center informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain names are Turkish. On November 26, 2025, the Complainant requested English to 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 of the Complaint, and the proceedings commenced on December 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 30, 2025.

The Center appointed Dilek Zeybel as the sole panelist in this matter on January 8, 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. ("PMI"). PMI is a leading international tobacco and smoke-free products company established under the laws of Switzerland. It operates in approximately 180 countries.

The Complainant's trademark portfolio also includes registrations for its smoke-free heating system marketed under the trademark IQOS. This system uses specially designed tobacco sticks sold under the brand name TEREА.

The trademark TEREА is protected by trademark registrations in multiple jurisdictions worldwide, including but not limited to the following:

- International trademark TEREА no. 1765887, registered on October 19, 2023.
- International trademark TEREА FOR IQOS ILUMA no. 1629687, registered on August 26, 2021.
- Turkish Trademark TEREА no. 2019 128867, registered on September 17, 2020.

The Respondent registered the disputed domain names <tereasigara.com> on January 18, 2024, and <tereasigara1.com> on June 21, 2025.

The Complainant asserts that <tereasigara.com> previously redirected to the website operated under <tereasigara1.com> and has submitted evidence in support of this claim. At the time of the Panel's review, however, both disputed domain names do not resolve to active websites.

#### **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 confusingly similar to its earlier registered trademark TEREА and are used to suggest an affiliation with the Complainant and to take unfair advantage of the reputation of its trademark.

The Complainant contends that the disputed domain name <tereasigara.com> redirects Internet users to the website operated under the disputed domain name <tereasigara1.com>, which resolves to a website offering for sale products allegedly associated with the Complainant's IQOS system.

The Complainant further argues that its IQOS system is not currently sold in Türkiye. Notwithstanding this, the Complainant asserts that the website operated under the disputed domain name <tereasigara1.com> purports to be an official online retailer of the Complainant's IQOS system in Türkiye by incorporating the Complainant's TEREA trademark in the disputed domain names together with the non-distinctive and descriptive term "sigara" (informally translated as "cigarette") and the number "1", which is not sufficient to avoid a finding of confusing similarity with the Complainant's trademark.

The Complainant also states that the Respondent is not authorized to use the Complainant's trademark, has no rights or legitimate interests in the disputed domain names, and is not related in any way to the Complainant.

Further, the Complainant asserts that it has no business relationship with the Respondent. The Respondent is neither an authorized distributor nor a licensee of the Complainant and has not been otherwise permitted to use its trademark.

The Complainant further contends that the Respondent's use of a privacy protection service to conceal its true identity is an additional indicator of bad faith.

Finally, the Complainant contends that the website associated with the disputed domain name <tereasigara1.com> uses the Complainant's official product images without authorization and displays a copyright notice claiming ownership of the website content, thereby reinforcing a false impression of an affiliation with the Complainant. The Complainant has submitted screenshots in support of this contention.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules directs the Panel as to the principles to be applied in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

The Policy provides, at paragraph 4(a), that each of the three elements must be made for a complaint to prevail:

- (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;
- (iii) the disputed domain name has been registered and is being used in bad faith.

Pursuant to paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, the Panel may draw such inferences as it considers appropriate.

Considering the Parties' submissions, the Policy, the Rules, the Supplemental Rules, and applicable law, the Panel's findings with respect to each of the above elements are set out below.

## **Language of the Proceeding**

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 that the Complainant has no knowledge of the Turkish language and that translation of the Complaint and related documents would involve additional time and costs. The Complainant further argued that an English version of the Registration Agreement is also available.

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.

### **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 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 mark is 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 addition of the descriptive term "sigara" (meaning "cigarette" in Turkish) and the number "1" does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademark under the first element 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 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.

Furthermore, the Respondent registered the disputed domain names without the Complainant's authorization and is neither a distributor, partner, nor a licensee of the Complainant.

The disputed domain name <tereasigara1.com> was used to offer products associated with the Complainant under the TEREА trademark, with the Complainant's trademark and official product images displayed on the website. The disputed domain name <tereasigara.com> redirected Internet users to <tereasigara1.com> . Such use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use, and therefore supports the Panel's view that the Respondent lacks rights or legitimate interests in the disputed domain names.

Finally, the Panel notes that the disputed domain names reproduce the Complainant's trademark TEREА in its entirety, together with the descriptive term "sigara," meaning "cigarette" in English. This term directly relates to the targeted market of Türkiye, where the Complainant's products are currently not sold. In the Panel's view, this further underscores the unlikelihood of any legitimate purpose behind the Respondent's registration of the disputed domain names. The overall composition of the disputed domain names carries a clear risk of implied affiliation with the Complainant, which does not 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.

By using the disputed domain names to resolve to a website offering Complainant's products and official product images, the Respondent has attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark.

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 finds that paragraph 4(b)(iv) applies. By using the disputed domain names to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark, the Respondent has registered and used the domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Finally, the disputed domain names entirely reproduce the Complainant's trademark TEREА. Both disputed domain names are combined with the descriptive term "sigara", meaning "cigarette" in English. The disputed domain name <tereasigara1.com> incorporates the same elements together with the additional number "1", which reinforces the impression of an alternative or secondary domain name associated with the same source. The Panel finds it implausible that the Respondent arrived at this combination by mere coincidence. This indicates that the Respondent either knew or should have known of the Complainant's trademarks and deliberately targeted them.

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 <tereasigara.com> and <tereasigara1.com> be transferred to the Complainant.

*/Dilek Zeybel/*

**Dilek Zeybel**

Sole Panelist

Date: January 22, 2026