

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. lili ma
Case No. D2025-4843

1. The Parties

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

The Respondent is lili ma, China.

2. The Domain Name and Registrar

The disputed domain name <iqosvape.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2025. On November 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 23, 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 November 24, 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 December 1, 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 December 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 23, 2025.

The Center appointed Moonchul Chang as the sole panelist in this matter on December 29, 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 group of companies affiliated to Philip Morris International Inc. (jointly referred to as "PMI"), a leading international tobacco and smoke-free products company, with products sold in approximately 180 countries. PMI inter alia sells a tobacco heating system called "IQOS" which is available in key cities in around 71 markets across the world through PMI's official IQOS stores and websites and selected authorized distributors and retailers.

The Complainant owns the trademarks IQOS, which were registered in numerous jurisdictions including as follows:

- the Korean trademark IQOS with registration No. 40-1249606, registered on April 28, 2017,
- the International trademark IQOS with registration No. 1461017, registered on January 18, 2019; and
- the International trademark IQOS with registration No. 1557546, registered on August 27, 2020,

The disputed domain name was registered on September 12, 2022. At the time of filing this Complaint, the disputed domain name resolved to a website of online shop selling and offering competing third-party products of other commercial origin. The website is provided in Korean and indicates all prices in Korean won currency, as well as presenting the national flag of the Republic of Korea which indicates that the website is directed to the Republic of Korea.

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.

The Complainant contends that:

(a) the disputed domain name is confusingly similar to trademark IQOS in which the Complainant has rights, because the disputed domain name reproduces the IQOS trademark in its entirety, in addition to the descriptive word "vape",

(b) the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized the Respondent to use the IQOS mark or to register a domain name incorporating its IQOS trademark. The Respondent intended to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. In addition, the Respondent's website under the disputed domain name offers competing tobacco products and accessories of other commercial origin. Therefore, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods.

(c) the disputed domain name was registered and is being used in bad faith. Considering the term "IQOS" is imaginative one and unique to the Complainant and the Respondent's website offer the IQOS products, the Respondent knew of the Complainant's trademarks. Further, the Respondent uses the disputed domain name with the intention to attract, for commercial gain, Internet users to the website to which the disputed domain name resolves by creating a likelihood of confusion with the IQOS trademark as to the source, sponsorship, affiliation, endorsement of its website and of the products on its website, which constitutes bad faith use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark or service mark; (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 disputed domain name incorporates the Complainant's trademark IQOS in the entirety with the addition of the term "vape". 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. In addition, the generic Top-Level Domain ("gTLD") ".com" is disregarded under the first element test. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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. Under paragraph 4(a)(ii) of the Policy, the overall burden of proof is on the Complainant. However, once the Complainant presents a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, the burden of production of evidence 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.

Firstly, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. Although the Complainant has not given the Respondent permission, authorization, consent, or license to use its IQOS mark, the Respondent registered and has used the disputed domain name which includes the Complainant's trademark.

Secondly, the Complainant contends that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or fair use of the disputed domain name. Here, the Respondent has used the disputed domain name for the purposes of selling third party products of other commercial origin. The Panel considers that such an illegal activity cannot confer rights or legitimate interests on a respondent with a bona fide offering of goods or services or fair use of the disputed domain name. [WIPO Overview 3.0](#), section 2.13.1. The Panel finds the disputed domain name creates a risk of implied affiliation with the Complainant and its IQOS trademark.

Thirdly, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain name.

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.

Therefore, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name has "been registered and is being used in bad faith". Thus, for the Complainant to succeed, a UDRP panel must be satisfied that a domain name has been registered and is being used in bad faith. These requirements are conjunctive; each must be proven, otherwise the Complaint fails. In addition, 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.

Firstly, the disputed domain name includes the Complainant's trademark IQOS in its entirety with the addition of the term "vape". The term "IQOS" is not commonly used to refer to tobacco products or electronic devices and is unique to the Complainant. Under this circumstance, it is clear that the Respondent was aware of the Complainant's trademark and targeted it at the time of registration of the disputed domain name. The Panel considers it is bad faith registration that the Respondent deliberately chose the disputed domain name to create a likelihood of confusion with the Complainant's IQOS trademark, so as to create a false association or affiliation with the Complainant.

Secondly, the Respondent uses the Complainant's trademark IQOS for the website to sell and offering competing third-party products of other commercial origin. The Panel considers that such an illegal activity constitutes bad faith use of the disputed domain name. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the available record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Therefore, the Panel concludes that the Complainant has satisfied 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 <iqosvape.com> be transferred to the Complainant.

/Moonchul Chang/

Moonchul Chang

Sole Panelist

Date: January 12, 2026