

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Elegant Digital, Eleganti Digital Co.,Ltd.
Case No. D2025-4894

1. The Parties

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

The Respondent is Elegant Digital, Eleganti Digital Co., Ltd., Thailand.

2. The Domain Name and Registrar

The disputed domain name <i-q-os-thailand.com> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 25, 2025. On November 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 26, 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 (Data Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 2, 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 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 24, 2025.

The Center appointed Peter Burgstaller as the sole panelist in this matter on December 30, 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 a group of companies affiliated to Philip Morris International Inc. (jointly referred to as “PMI”) which is a leading international tobacco and smoke-free products company, with products sold around the world. In the course of transforming its business from combustible cigarettes to Reduced Risk Products (or “RRPs”) PMI has developed a number of RRP products, one of which is a tobacco heating system called IQOS which is a precisely controlled heating device into which specially designed tobacco sticks under the brand name HEETS or TEREА amongst others, are inserted and heated to generate a flavorful nicotine-containing aerosol (IQOS-System) (Annexes 4 and 5 to the Complaint).

The Complainant owns numerous trademark registrations consisting of IQOS, inter alia

- International Trademark Registration (word), Reg. No. 1218246, registered on July 10, 2024, designating several jurisdictions around the world;
- Thai Trademark Registration (word), Reg. No. TM416024, registered on May 4, 2016 (Annexes 6 and 7 to the Complaint).

The Complainant also holds trademark registrations for the mark TEREА and the logo  around the world (Annex 7 to the Complaint).

The disputed domain name was registered on October 7, 2025 (Annex 1 to the Complaint).


At the time of filing the Complaint the disputed domain name resolved to a website displaying the Complainant’s  logo and the IQOS and TEREА trademarks as well as official product images of the Complainant while claiming copyright in these materials (Annex 8 to the Complaint).

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 it holds multiple registered trademarks for the term IQOS. The Complainant also highlights the extensive media recognition it has attained under the IQOS brand and highlights the goodwill and recognition that has been attained under the IQOS name, which is a distinctive identifier associated with the Complainant’s products. The disputed domain name includes the entirety of the IQOS mark with the insertion of two hyphens and the addition of the geographical indicator “-thailand”. Where a domain name incorporates the entirety of a complainant’s trademark, this will be sufficient to establish identical or confusing similarity.

The Complainant further submits that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent does not have any trademark rights to the term IQOS. There is also no evidence that the Respondent retains any unregistered trademark rights to the term IQOS or any term used in the disputed domain name or is commonly known by the term IQOS. The Respondent has not received any license from the Complainant to use domain name featuring the IQOS trademark. The Complainant submits that the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary: The disputed domain name resolves to a website that impersonates the Complainant’s offerings, using the Complainant’s logo  as well as the IQOS and TEREА trademarks and its copyrighted materials (and falsely claiming rights in it). The Complainant affirms that no authority has been given to the Respondent to advertise or use IQOS products for sale. There is no disclaimer clarifying the lack of affiliation with the Complainant. Hence, it is clear that the

Respondent intends to cause confusion in the minds of online users through the use of the distinctive IQOS name.

Finally, the Complainant alleges that the disputed domain name was registered and is being used in bad faith: The Complainant's IQOS trademark registrations precede the creation date of the disputed domain name and the IQOS mark is distinctive and well known.

The disputed domain name is also being used in bad faith: The Respondent has intentionally attempted to attract, for commercial gain, online users by creating a likelihood of confusion with the Complainant's IQOS mark and offerings. The use of the disputed domain name to offer the Complainant's products for sale, and featuring the Complainant's product images, logo and trademarks, gives Internet users a false impression that the site is controlled or authorized by the Complainant. Additionally, the Respondent failed to present a clear disclaimer on the website addressed by the disputed domain name to disassociate the Complainant's products from the products purportedly offered under the disputed domain name.

The Complainant also alleges, that the Respondent is the same person, or is connected to the same person, who is the respondent to a previous UDRP complaint filed by the Complainant under WIPO Case No. [D2025-4024](#) regarding the domain names <thailand-iqos.com> and <thailandiqos.com>.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (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 with respect to 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 submitted evidence which incontestably and conclusively establishes rights in the mark IQOS.

In the present case, the disputed domain name is confusingly similar to the IQOS mark in which the Complainant has rights since that mark remains recognizable within the disputed domain name.

Although the disputed domain name contains hyphens in the IQOS mark and adds the descriptive term "-thailand" as suffix, it has long been established under UDRP decisions that inserting hyphens and adding descriptive/geographic terms to a trademark does not prevent a finding of confusing similarity under the first element of the Policy, if the relevant trademark remains recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8; this is the case here: The IQOS mark of the Complainant is clearly recognizable.

Finally, it has also long been held that generic Top-Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. [WIPO Overview 3.0](#), section 1.11.1.


Based on the available record, 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.

While 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 often impossible 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. 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 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, since it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the IQOS trademark in any manner. The Respondent did not reply and hence has not rebutted the Complainant’s contentions.

Further, the composition of the disputed domain name, coupled with the use of the disputed domain name to resolve to a website that purported to offer for sale unauthorized products under the Complainant’s IQOS and TEREIA marks and logo , while displaying the Complainant’s product images and falsely claiming copyright in these materials, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the disputed domain name.

Finally, the evidence in the Complaint revealed no disclaimer at the website accessible through the disputed domain name that disclosed the lack of the Respondent’s relationship with the Complainant. Rather, it appears the Respondent has purposely attempted to take unfair advantage of the Complainant’s mark and the purported connection with the Complainant. [WIPO Overview 3.0](#), section 2.8; and *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As stated in many decisions rendered under the Policy (e.g. *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain name was registered by the Respondent in bad faith, and
- the disputed domain name is being used by the Respondent in bad faith.


(i) In the present case, the Complainant provided evidence which demonstrates that it has rights and is the owner of the distinctive and well-known registered trademark IQOS, registered and used in many jurisdictions around the world long before the disputed domain name was registered.

Further, the Complainant registered and is using the domain names <pmi.com> and <iqos.com> for its widely used main business websites with information, inter alia, about the IQOS-System and the Complainant and its products.

It is therefore inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith. [WIPO Overview 3.0](#), section 3.2.2.

This finding is supported by the fact that the disputed domain name incorporates the Complainant's trademark IQOS entirely and merely inserts hyphens and adds the geographic term "thailand".

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainant has put forward evidence that the disputed domain name was used by the Respondent to resolve to websites featuring the Complainant's products, logo  as well as IQOS and TEREA marks and purported to offer for sale these products, giving Internet users the impression that the site is controlled or at least authorized by the Complainant, which is not the case. This clearly disrupts the Complainant's business and shows that the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, which constitutes bad faith use.

The evidence and documents produced and put forward by the Complainant together with the fact that the Respondent has failed to file a Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain name further prove that the disputed domain name was registered and is used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

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 <i-q-os-thailand.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: January 12, 2026