

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Products S.A. v. Mehmet Babayigit

Case No. D2025-5109

### **1. The Parties**

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

The Respondent is Mehmet Babayigit, Türkiye.

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

The disputed domain name <tereashopping.com> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 9, 2025. On December 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 21, 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 (Domain Admin, Domain Administrator) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 22, 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 January 23, 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 January 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 28, 2026.


The Center appointed Nathalie Dreyfus as the sole panelist in this matter on January 29, 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, Philip Morris Products S.A. is a company which is part of the group of companies affiliated to Philip Morris International Inc. It is known as an international leader in the matter of tobacco and smoke-free products company with products sold in approximately 180 countries. In the course of transforming its business from combustible cigarettes to Reduced Risk Products (or “RRPs”). Philip Morris International 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 trademark name TEREA amongst others, are inserted and heated to generate a flavorful nicotine-containing aerosol (IQOS-System).

The Complainant notably owns the following TEREA trademarks:



- The international trademark  No. 1629687 dated August 26, 2021, registered inter alia in the United Kingdom, Brazil, Australia, for goods in class 34;
- The international trademark TEREA No. 1765887, dated October 19, 2023, registered inter alia in Afghanistan, Mongolia, Islamic Republic of Iran, and covering goods in class 34;
- Turkish trademark TEREA No. 2019 128867, dated December 18, 2019, covering goods in class 34.

The disputed domain name was registered on May 6, 2025. At the time of filing this Complaint, the disputed domain name resolved to a website purporting to operate as an online shop offering for sale the Complainant's products, while falsely suggesting an official affiliation with the Complainant.

The website was provided in Turkish and displayed prices in Turkish Lira. It also prominently featured the Complainant's IQOS and TEREA trademarks, including at the top of the website.

At the time of filing the Complaint, the Respondent was identified as a privacy service provided by Domain Admin. On December 22, 2025, the Complainant was informed by the Center that the underlying Respondent is Mehmet Babayigit, based in Türkiye.

#### 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:

- (a) The disputed domain name is confusingly similar to the Complainant's TEREA trademark, in which the Complainant has rights, as it incorporates the trademark in its entirety together with the descriptive term “shopping”.
- (b) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized the Respondent to use the TEREA trademark or to register a domain name incorporating

its TEREА 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. Firstly, the Respondent is not an authorized distributor or reseller of the TEREА trademark products. Secondly, the Website provided under the disputed domain name do not meet the requirements set out by numerous panel decisions for a bona fide offering of goods.

(c) The illegitimacy of the Respondent's use of the disputed domain name is further shown by the fact that the Complainant does not currently offer for sale its TEREА trademark products in the territory of Türkiye, and the online shop provided under the disputed domain name creates the false impression that the Complainant has officially introduced TEREА trademark products into the Turkish market.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Indeed, although the addition of other terms here, "shopping" 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 mark 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.

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.

Furthermore, the Panel is in the opinion that the use of a domain name for illegitimate activity, including deceptive commercial practices and impersonation designed to mislead Internet users, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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 disputed domain name resolves to a website that prominently displays the Complainant's registered trademarks IQOS and TEREА and offers for sale the Complainant's TEREА products without authorization, including through discounted prices and promotional offers designed to attract consumers.

The website further reproduces the Complainant's official visuals without permission and includes a misleading copyright notice claiming ownership of the displayed content, thereby reinforcing the false impression of an official affiliation.

Moreover, the website does not provide any clear information regarding its operator and fails to acknowledge the Complainant as the rightful brand owner, leaving Internet users under the false impression that the Website is operated by, affiliated with, or authorized by the Complainant or one of its official distributors.

Therefore, the Panel agrees that the disputed domain name is used for illegitimate activity here, claimed deceptive commercial practices and impersonation designed to mislead Internet users, which constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <tereashopping.com> be transferred to the Complainant.

*/Nathalie Dreyfus/*

**Nathalie Dreyfus**

Sole Panelist

Date: February 10, 2026