ARBITRATION
AND
MEDIATION CENTER

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Thang Nguyen, IQOS VIệt Nam
Case No. D2025-5343

1. The Parties

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

The Respondent is Thang Nguyen, IQOS VIệt Nam, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <iqosvn.shop> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 19, 2025. On December 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 22, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 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 January 7, 2026.

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 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2026. The Respondent did not submit a response by the due date. Accordingly, the Center notified the Respondent's default on February 6, 2026, in response to which the Respondent sent an email communication to the Center on the same date. On February 17, 2026, the Complainant requested suspension of the proceedings. The Center notified the suspension of the proceedings on February 18, 2026. On March 20, 2026, The Complainant requested reinstitution of the proceedings. Accordingly, the Center notified the Parties of the reinstitution of the proceeding.

The Center appointed Gill Mansfield as the sole panelist in this matter on April 7, 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 a Swiss company and a subsidiary of Philip Morris International, Inc (collectively referred to as "Complainant" in this Decision). Complainant is a leading tobacco and smoke-free products company with product sales in around 180 countries worldwide. In addition to traditional tobacco products (such as cigarettes) Complainant also markets and sells a tobacco heating system called IQOS. IQOS is a controlled heating device into which specifically designed tobacco sticks under the brand names HEETS, HeatSticks, DELIA, LEVIA and TEREA are inserted and heated to generate a flavoured aerosol containing nicotine. This IQOS system was first launched in Japan in 2014 and is currently available in 84 markets across the world. It is exclusively distributed through Complainant's official IQOS stores and websites, and via selected authorised distributors and retailers.

The Complainant owns an extensive portfolio of trademarks for IQOS, IQOS formative, and other related trademarks, including but not limited to:

International trademark registration number 1218246 for IQOS (word mark) registered on July 10, 2014 in classes 9, 11 and 34.

International trademark registration number 1338099 for IQOS (figurative mark) registered on November 22, 2016 in class 35.

International trademark registration number 1461017 for IQOS (figurative mark) registered on January 18, 2019 in classes 9 and 34.

The disputed domain name was registered on November 6, 2025 and resolved to an online shop which purported to sell the Complainant's IQOS system and products as well as competing third party products. The website was in Vietnamese and prices were indicated in Vietnamese dong currency.

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 the disputed domain name is confusingly similar to the Complainants IQOS mark. It contends that the disputed domain name reproduces the IQOS trademark in its entirety with the addition of the geographical abbreviation for Vietnam ("vn"). It also states that the applicable Top-Level Domain ("TLD") is viewed as a standard registration requirement and as such should be disregarded for the purposes of the first element confusing similarity test.

The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. It asserts that the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating the IQOS trademark (or a domain name which is associated with the IQOS mark). The Complainant contends that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name but that, on the contrary, the Respondent's behaviour shows a clear intent to obtain an unfair commercial gain and misleadingly divert customers. It points out that the Respondent is not an authorised distributor or seller of the IQOS system, that the Respondent is selling competing products and other third party products, and that the website located at the disputed domain name does not meet the requirements for a bona fide offering of goods or services. The Complainant contends that the criteria set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 ("Oki Data") under which a reseller or distributor could be making a bona fide offering of goods and services, and thus have a legitimate interest in a domain name, are not met in this case. It also asserts that the disputed domain name itself suggests an affiliation with the Complainant and its IQOS trademark, as it wholly reproduces the Complainant's IQOS trademark together with the geographical abbreviation for Vietnam ("vn").

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It argues that it is evident that the Respondent knew of the Complainant's IQOS trademark when registering the disputed domain name. It states that IQOS is not commonly used to refer to tobacco products or electronic devices and that the Respondent started offering the Complainant's IQOS system immediately after registering the disputed domain name. The Complainant contends that it is beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name without the intention of invoking a misleading associated with the Complainant. The Complainant further contends that the Respondent has registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's IQOS trademark as to the source, sponsorship, affiliation or endorsement of its website or location or of a product or service on its website. The Complainant submits that this contention is further supported by the Respondent's use of the Complainant's official product images and marketing materials on the Respondent's website.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, in response to the Center's Notification of Default the Respondent sent an email to the Center in Vietnamese which states (according to Google translate) "I'm not currently using this domain name. If needed, I can give it to someone else".

Following the Respondent's email, the proceedings were suspended at the request of the Complainant. The Respondent was provided with the opportunity to settle the proceedings and provide a signed settlement form. Based in the available record, no response was received and no further communications were received from the Respondent.

6. Discussion and Findings

Under paragraph 4(a) of the Policy the Complainant carries the burden of proving:

(i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, and
(ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and
(iii) that 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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, 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 3.1, section 1.7.

Although the addition of other terms (here, the addition of "vn" after IQOS) 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 3.1, section 1.8.

The applicable TLD in a domain name is a standard registration requirement and as such the TLD ".shop" in the disputed domain name is disregarded under the first element confusing similarity test. WIPO Overview 3.1, 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 that 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 3.1, 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.

In particular, there is no relationship between the Complainant and the Respondent. The Respondent is not an authorised seller or distributor of the Complainant, and the Respondent is not licensed or otherwise permitted by the Complainant to use any of its trademarks or to register any domain name incorporating the Complainant's trademark (or any domain name associated with it). There is no evidence that the Respondent is commonly known by the disputed domain name. The Panel notes that the name provided to the Registrar by the Respondent is "Thang Nguyen". There is also no evidence of use, or demonstrable preparations to use, the disputed domain name for a bona fide offering of goods or services, or of any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert customers.

The disputed domain name consists of the Complainant's IQOS mark in full with only the addition of the letters "vn" after "iqos". The term "vn" is a geographical indicator for Vietnam which is the country where the website at the disputed domain name purports to be located. The Panel also notes that the TLD ".shop" in the disputed domain name is often used to denote a sales outlet. Cumulatively this creates the false impression of a legitimate sales outlet in Vietnam for the Complainant's IQOS system and products. The Panel finds that the composition of the disputed domain name is such as to carry a risk of implied affiliation with the Complainant's trademark which cannot constitute fair use as it effectively impersonates the Complainant, or suggests affiliation with or sponsorship or endorsement by the Complainant (WIPO Overview 3.1, section 2.5.1).

Moreover, the record shows that at the time of the Complaint the disputed domain name directed to an active online shop that purported to offer for sale IQOS branded products (and other branded products which form part of the IQOS system) along with competing third party products. The website at the disputed domain name features the Complainant's IQOS figurative trademark at the top of the website, prominently uses the Complainant's registered word marks and logos, and incorporates a number of the Complainant's official product images without the Complainant's authorisation. At the bottom of the website there is also a copyright notice claiming copyright in the content for "IQOS Vietnam".

Having regard to all of the circumstances, the Panel finds that the use of the disputed domain name by the Respondent cannot be characterised as a bona fide offering of goods or services. In making this finding the Panel finds that the criteria set out in the Oki Data case are not met in this case. As noted above, the Respondent purports to offer for sale competitive third party goods along with those bearing the trademarks of the Complainant, and the site at the disputed domain name fails to accurately and prominently disclose the Respondent's relationship with the Complainant. WIPO Overview 3.1, Section 2.8.1.

In addition, according to paragraph 14(b) of the Rules, the Panel may draw from the lack of response of the Respondent such inferences as it considers appropriate. The Panel is of the view that the lack of a substantive response to the Complainant's contentions from the Respondent further corroborates the absence of any rights or legitimate interests of the Respondent in the disputed domain name.

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 Respondent registered the disputed domain name over a decade after the Complainant's first trademark registration for IQOS. As discussed above, at the time of the Complaint the disputed domain name resolved to an active website that purported to sell the IQOS system and IQOS branded products, that used the IQOS trademark (as well as other registered trademarks associated with the Complainant's products and third party products), prominently featured the IQOS logo, and used the Complainant's official product images. In the circumstances it is implausible that the Respondent did not have knowledge of the Complainant's trademark at the time that the disputed domain name was registered. The Panel finds that the Respondent's conduct demonstrates the Respondent's knowledge and targeting of the Complainant's IQOS trademark.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or products or services on the Respondent's website under paragraph 4(b)(iv) of the Policy.

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 <iqosvn.shop> be transferred to the Complainant.

/Gill Mansfield/
Gill Mansfield
Sole Panelist
Date: April 21, 2026