

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Serhat Kocapinar, Serhat Kocapinar
Case No. D2025-5380

1. The Parties

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

The Respondent is Serhat Kocapinar, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <aykosmarket.com> is registered with IHS Telekom, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 23, 2025. On December 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 25, 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 (The RDAP server redacted the value, Aykos Market) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 2026, 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 11, 2026.

On January 6, 2026 the Center informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain name is Turkish. On January 11, 2026, 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 January 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 3, 2026.

The Center appointed Dilek Zeybel as the sole panelist in this matter on February 5, 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 "IQOS". This system uses specially designed tobacco sticks sold under the brand names TEREA, HEETS, and ILUMA.

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

- International trademark IQOS, No. 1214416, registered on June 11, 2014.
- International trademark IQOS, No. 1461017, registered on January 18, 2019.

The Respondent registered the disputed domain name on November 25, 2024.

The disputed domain name resolves to a Turkish-language website that offers IQOS heating systems and tobacco sticks through an online shop, and also references other marks of the Complainant, such as TEREA, HEETS, and ILUMA. The website prominently features the Complainants' products and trademarks, alongside other smoke-free tobacco products.

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 its earlier registered trademark IQOS, being used to suggest an affiliation with the Complainant, misleadingly, and to take unfair advantage of the reputation of its mark.

Further, the Complainant submits that the addition of the term "market" is not sufficient to avoid a finding of confusing similarity with the IQOS trademark.

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

The Complainant argues that such a use of the disputed domain name is to the detriment of the Complainant and its mark.

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 trademarks and further argues that the IQOS heating system is not currently sold in Türkiye.

The Complainant further argues that the Respondent offers competing third-party tobacco products of other commercial origin.

Finally, the Complainant argues that the website purports to be an official online retailer of the Complainant's IQOS system in Türkiye by using the Complainant's IQOS trademark on the website, as well as official product images and marketing materials belonging to the Complainant's other trademarks, such as TEREÄ, HEETS, and ILUMA, thereby reinforcing the false impression of an affiliation with the Complainant.

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 name 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 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 3.1](#)"), 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 name. [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 Panel finds that the term "AYKOS" constitutes a phonetic misspelling of the Complainant's IQOS trademark. Such deliberate phonetic variations are commonly regarded as confusingly similar to the relevant mark for purposes of the first element of the Policy. [WIPO Overview 3.1](#), section 1.9.

Although the addition of the term "market", which is a descriptive commercial term, may bear on the assessment of the second and third elements, the Panel finds that such addition does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), 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.

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

The disputed domain name is used to offer the Complainant's products under the designation AYKOS, which reflects the Complainant's trademark and official product images. This term is phonetically identical in Turkish to IQOS. 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 name.

Finally, the Panel further observes that the website contains no disclaimer disclosing the lack of any relationship with the Complainant and uses the Complainant's official product images and visual materials. In any event, even if such a disclaimer were present, it would not dispel the overall impression of an official affiliation created by the use of the Complainant's trademarks and imagery.

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 name to resolve to a website offering the Complainants' products and official product images along with competing third-party tobacco products, the Respondent appears to be seeking 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 3.1](#), section 3.2.1.

In the present case, the Panel finds that paragraph 4(b)(iv) applies. By using the disputed domain name 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 3.1](#), section 3.1.4.

Finally, the disputed domain name incorporates the term "AYKOS", a deliberate phonetic equivalent of the Complainant's IQOS trademark, together with the descriptive commercial term "market". The Panel finds it implausible that the Respondent arrived at this distinctive, misspelled combination, which is identical in Turkish to IQOS, by mere coincidence. This indicates that the Respondent either knew or should have known of the Complainant's trademark and deliberately targeted it.

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 <aykosmarket.com> be transferred to the Complainant.

/Dilek Zeybel/

Dilek Zeybel

Sole Panelist

Date: February 19, 2026