

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Tommy Wong
Case No. D2026-0161

1. The Parties

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

The Respondent is Tommy Wong, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <iqoshkshop.com> is registered with Instra Corporation Pty Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2026. On January 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 2026, 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 (Registrant Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 10, 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 February 16, 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 February 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 10, 2026.

The Center appointed Charles Gielen as the sole panelist in this matter on March 13, 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 company which is part of the group of companies affiliated to Philip Morris International, Inc. The Complainant is a leading international tobacco and smoke-free products company, with products sold in approximately 180 countries. Part of the business focuses on so-called Reduced Risk Products that present, are likely to present, or have the potential to present less risk of harm to smokers of cigarettes. One of these Reduced Risk Products is sold under the trade mark IQOS. It concerns a tobacco heating system into which specially designed tobacco sticks are inserted and which are sold under different trade marks. The Complainant is currently not selling its IQOS branded products in Hong Kong, China.

The Complainant holds a portfolio of registrations for the trade mark IQOS. This portfolio includes among others:

- International Registration No. 1218246 registered on July 10, 2014, for goods in classes 9, 11 and 34, and covering numerous countries; and
- Chinese registration No. 16314286 registered on May 14, 2016, for goods in class 34.

The disputed domain name was registered on May 28, 2024, and resolves to a website on which IQOS branded products of the Complainant are being sold as well as similar products from competitors of the Complainant. The website is in the Chinese language and the prices on the website are in Hong Kong dollars, indicating that the website is directed at Hong Kong, China.

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 Complainant's trade mark. It reproduces the identical trade mark IQOS of the Complainant with the addition of the geographical indicator "hk" and the non-distinctive word "shop". The Complainant refers to UDRP panels that have consistently held that the addition of a descriptive or generic term related to a complainant's business does not avoid confusing similarity and may in fact increase confusion. Where the relevant trade mark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. First, the Complainant argues it has not licensed or otherwise permitted the Respondent to use any of its trade marks or to register a domain name incorporating its IQOS trade mark. Second, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, according to the Complainant, the Respondent's behaviour shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trade marks owned by the Complainant. Firstly, the Respondent is not an authorized distributor or reseller of the IQOS System. Secondly, on the website competing tobacco products of other commercial origin are offered for sale. Thirdly, the website provided under the disputed domain name does not meet the requirements set out by numerous panel decisions for a bona fide offering of goods. The Complainant draws the attention to generally accepted principles in cases like this that the use of a domain name cannot be "fair" if it suggests an affiliation with the trade mark owner. In the present case, the disputed domain name suggests at least an affiliation with the Complainant and its IQOS trade mark, as the domain name wholly reproduces the Complainant's registered IQOS trade mark together with the geographical indicator "hk" and the non-distinctive word "shop". The website further uses the Complainant's official product images without authorization, while at the same time falsely claiming copyright in this material. This illegitimate and false

claim of rights in the Complainant's official copyright protected material further supports the false impression, that the website is endorsed by the Complainant, which it is not.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith.

With respect to the bad faith registration of the disputed domain name, the Complainant contends that it was clearly registered with full knowledge of the Complainant's trade mark. The Respondent started offering the Complainant's products under the trade mark IQOS immediately after registering the disputed domain name. Furthermore, the term IQOS is purely an imaginative term and unique to the Complainant. The term IQOS is not commonly used to refer to tobacco products or electronic devices. According to the Complainant, it is therefore beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name, with the intention of invoking a misleading association with the Complainant.

The Complainant further contends that it is also evident from the Respondent's use of the disputed domain name that the Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith. By reproducing the Complainant's registered trade mark in the disputed domain name, the Respondent is clearly suggesting to any Internet user visiting a website provided under the disputed domain name that the Complainant (or an affiliated dealer of the Complainant) is the source of the website, which it is not. This suggestion is further supported by the Respondent's use of the Complainant's official product images, accompanied by a copyright notice claiming the copyright for the website and its contents.

Lastly, the Complainant contends that the Respondent is not only using the disputed domain name for the purposes of offering for sale IQOS products, but also for purposes of offering for sale third party products of other commercial origin. Such abusive use of the Complainant's IQOS trade mark for purposes of promoting competing products is a clear-cut trade mark infringement and constitutes clear evidence of the Respondent's bad faith.

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 trade mark 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 trade marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trade mark. It contains the Complainant's trade mark and the only difference between the disputed domain name and the Complainant's trade mark is that the disputed domain name has the additional geographical indicator "hk" and the word "shop." This difference does not prevent the finding of confusing similarity between the trade mark and the disputed domain name. [WIPO Overview 3.1](#), section 1.8.

Therefore, the requirement under paragraph 4(a)(i) of the Policy is met.

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.

First, the Respondent did not show that it owns any rights to the name “iqos” nor that it has any license or other authorisation from the Complainant to use its trade mark IQOS. Second, the Respondent did not argue that it is commonly known, or that it has ever been known under the name “iqoshkshop”. Furthermore, the Panel did not find any evidence that the Respondent has used, or prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the website to which the disputed domain name resolves shows products of the Complainant in combination with products originating from competitors of the Complainant. Also, the website falsely claims copyright to the product images shown. The Panel agrees with the Complainant that such illegitimate and false claim of rights in the Complainant’s official copyright protected material supports the false impression that the website is endorsed by the Complainant, which it is not. Such activities can never be a bona fide offering of goods or services and do not create any rights or legitimate interests 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 finds that the Respondent clearly had the trade mark of the Complainant in mind when registering the disputed domain name. This is obvious because the website to which the disputed domain name resolves shows original products of the Complainant with the trade mark IQOS. The Panel finds that the disputed domain name is used in bad faith. This follows from the fact that the Respondent never received any authorization to use the trade mark IQOS. By using the disputed domain name, the Respondent intentionally attracts Internet users for commercial gain by creating a likelihood of confusion with the trade mark IQOS as to the source, sponsorship, affiliation, or endorsement of the website and the products offered on it. This suggestion is further supported by the Respondent’s use of the Complainant’s official product images, accompanied by a copyright notice claiming the copyright for the website and its contents. The Panel finally finds that the bad faith intentions of the Respondent follow from the fact that on the website to which the disputed domain name resolves also products of competitors of the Complainant are being offered for sale.

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 <iqoshkshop.com> be transferred to the Complainant.

/Charles Gielen/

Charles Gielen

Sole Panelist

Date: March 25, 2026