

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. İzzettin Dogus
Case No. D2026-0372

1. The Parties

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

The Respondent is İzzettin Dogus, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <tereasigaracesitleri.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 January 29, 2026. On January 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 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 (APINAME, APINAME Ltd) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 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 4, 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 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 25, 2026.

The Center appointed Levan Nanobashvili as the sole panelist in this matter on February 27, 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 subsidiary of Philip Morris International Inc. The Philip Morris group specializes in tobacco products and smoke-free alternatives, selling products in more than 180 countries worldwide.

The Complainant owns a large portfolio of IQOS, ILUMA, and other trademarks around the world. The Complainant's portfolio includes the TEREА mark:

- 1) International Trademark TEREА (word), Registration No. 1765887, registered on October 19, 2023, in International Class 34, designating multiple jurisdictions;
- 2) International Trademark TEREА FOR IQOS ILUMA (figurative), Registration No. 1629687, registered on August 26, 2021, in International Class 34, designating multiple jurisdictions; and
- 3) Türkiye trademark TEREА (word), Registration No. 2019 128867, registered on September 17, 2020, in International Class 34.

The Respondent is an individual reportedly residing in Türkiye.

The disputed domain name was registered on June 23, 2025. At the time the Complaint was filed, the disputed domain name resolved to a website offering various products of the Complainant, as well as competing products of other producers. At the time of the Decision, the disputed domain name does not resolve to an active website.

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:

- (i) the term "TEREA" is fanciful. This term is not commonly used to refer to tobacco products or electronic devices;
- (ii) when the Complaint was filed, the disputed domain name resolved to a website with prices in Turkish Lira, indicating intent to target the market in Türkiye. The website purported to be an official online retailer of the Complainant's tobacco heating system ("IQOS systems") in Türkiye by using the TEREА trademark in the disputed domain name;
- (iii) the Complainant's IQOS systems are primarily distributed through official stores. However, the Complainant does not offer the IQOS systems for sale on the territory of Türkiye. Therefore, in the present case, consumers may be misled regarding the relationship between the Respondent and the Complainant;
- (iv) the Respondent's website displayed the TEREА trademark in the header, a location where customers usually expect to find the identity of the website provider;

- (v) the Respondent's website incorporated the Complainant's proprietary product images and marketing material without authorization, creating a false impression of affiliation or endorsement by the Complainant;
- (vi) the Respondent's use of the disputed domain name cannot be considered a bona fide offering of goods and does not establish legitimate interests of the Respondent;
- (vii) the Respondent utilized the website to sell competing third-party tobacco products alongside other items;
- (viii) the Respondent's website failed to provide any identifying information regarding the service provider, thereby creating a false impression that the site was affiliated with or authorized by the Complainant;
- (ix) the Respondent has no relationship with the Complainant. The Complainant has granted no license or permission for the Respondent to use its marks or to register a domain name incorporating the TERE A trademark;
- (x) the Respondent demonstrates a clear intent to obtain an unfair commercial gain, with a view to misleadingly divert consumers or to tarnish the trademark owned by the Complainant; and
- (xi) the Respondent's use of the disputed domain name demonstrates that the Respondent was fully aware of the Complainant's TERE A trademark at the time of registration of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving 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 in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant. However, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel shall draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 the TERE A trademark 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 TEREА mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here “sigara” and “cesitleri”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 addition of the generic Top-Level Domain “.com” is a standard registration requirement and, as such, 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.

The Respondent has not rebutted the Complainant’s contention that it has not authorized the Respondent to use the TEREА mark, or that there is no relationship between them that would justify the Respondent’s registration and use of the Complainant’s trademark in the disputed domain name.

At the time the Complaint was filed, the disputed domain name resolved to an active website offering for sale products under the Complainant’s TEREА and other trademarks, and other third-party competing products.

According to a consensus view among UDRP panels, resellers using a domain name containing a complainant’s trademark to undertake sales related to the complainant’s goods may be making a bona fide offering of goods and thus have a legitimate interest in such a domain name. [WIPO Overview 3.1](#), section 2.8.1. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the “Oki Data Test”), the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods at issue;
- (ii) the respondent must use the site to sell only the trademarked goods;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names reflecting trademark.

The Panel finds that the Respondent fails to satisfy at least the second and the third requirements of the Oki Data Test.

The evidence on file demonstrates that the Respondent used the disputed domain name to sell the Complainant's trademarked products and, concurrently, competing products of other producers. Such use of the disputed domain name does not comply with the second requirement of the Oki Data Test, which mandates that the site must only be used to sell the trademarked goods.

The evidence on file also confirms the absence of a clear and prominent disclaimer on the Respondent's website. The absence of such a disclosure regarding the Respondent's lack of affiliation with the Complainant is likely to cause consumers to erroneously believe the site is the official outlet or an authorized dealer of the Complainant. This failure to disclose information as to lack of relationship with the Complainant amounts to a breach of the third requirement of the Oki Data Test.

Accordingly, the Panel finds that the requirements of the Oki Data Test are not satisfied in the present case. The Respondent's use of the disputed domain name to offer the Complainant's branded products alongside competing products of other commercial origin does not confer rights or legitimate interests upon the Respondent.

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.

Under paragraph 4(b)(iv) of the Policy, the respondent's use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location, amounts to evidence of registration and use in bad faith.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, as provided for in paragraph 4(b)(iv) of the Policy. As demonstrated by the evidence on file, at the time the Complaint was filed, the disputed domain name resolved to an active website offering the Complainant's products and competing products of other producers.

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.

As evidenced by the record, TEREА is a fanciful mark with no descriptive or common usage in relation to tobacco products or electronic devices. Given the distinctive nature of the TEREА mark and the Respondent's failure to provide any credible explanation for its selection, the Panel finds that the Respondent knew or should have known of the Complainant's rights at the time of registration of the disputed domain name.

The Panel finds that the Respondent used the disputed domain name in bad faith in order to attract Internet users to its own website by deliberately misleading users in a false belief that the Respondent's website is either operated or authorized by the Complainant. The prominent use of the Complainant's TEREА trademark and official product images of the Complainant, and the nature of the disputed domain name, incorporating the Complainant's mark plus additional generic and/or descriptive terms that correspond to the Complainant's area of activity ("sigara cesitleri" which means "cigarette varieties" in Turkish), is, in the view of the Panel, sufficient evidence that the Respondent intentionally tried to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its TEREА trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

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 <tereasigaracesitleri.com> be transferred to the Complainant.

/Levan Nanobashvili/

Levan Nanobashvili

Sole Panelist

Date: March 12, 2026