ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Philip Morris Products S.A. v. Nazmul Islam
Case No. D2026-0975

1. The Parties

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

The Respondent is Nazmul Islam, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <iqosbest.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 6, 2026. On March 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 9, 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 (Redacted for Privacy / Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 9, 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 March 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 March 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 7, 2026.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on April 10, 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 part of Philip Morris International Inc. ("PMI"), one of the leaders in the field of tobacco products, which has been in operation since 1972. PMI has developed smoke-free products amongst which is the "IQOS" system, which was launched in 2014. The Complainant owns many trademark registrations for IQOS such as:

- International Trademark Registration No. 1218246, registered on July 10, 2014, and
- United Arab Emirates Trademark Registration No. 211139, registered on March 16, 2016.

The disputed domain name was registered on September 8, 2025, and resolves to an online store that allegedly offers the Complainant's products as well as third-party products for sale.

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 identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant owns the trademark IQOS and has registered it in many countries. The disputed domain name incorporates the Complainant's trademark in an identical manner. The generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement. The disputed domain name includes the term "best", which is not enough to eliminate confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed the Respondent to use its trademark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Respondent is attempting to obtain unfair commercial gain. The Respondent is not an authorized reseller or distributor of the Complainant. The Respondent's website is selling the Complainant's products and third-party products. For a reseller or a distributor to make a bona fide offering of goods or services, it must meet the Oki Data test which is not met in the instant case as the website offers third party products and there is a suggestion of affiliation with the Complainant.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent knew of the Complainant's trademark as the disputed domain name was used immediately after registration to sell the Complainant's IQOS system.
The Complainant's trademark IQOS is purely imaginative. The disputed domain name was registered with the intent to mislead consumers for commercial gain by creating confusion with the Complainant's trademark and products. The Respondent is suggesting that the Complainant is the source of the website by using the images of the Complainant's products.

The Respondent is using the Complainant's trademark on the website to sell third-party products through its website. Lastly, the Respondent is using a privacy protection service to hide its true identity, which may in itself constitute a factor indicating 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 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, "best", 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 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.

Given the composition of the disputed domain name consisting of the IQOS trademark in its entirety plus a descriptive additional term, the Respondent's purported sale of the Complainant's products without its authorization together with competing third-party products, and the lack of a disclosure on the associated website disclosing the -lack of- relationship between the Parties, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name. WIPO Overview 3.1, sections 2.5 and 2.8.

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 was aware of the Complainant's trademark and products as the disputed domain name resolves to a website, which displays the Complainant's trademarks, together with images of the Complainant's products, and purports to offer the Complainant's products. Additionally, the Complainant's trademark existed for more than a decade by the time the disputed domain name was registered.

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.

Panels have consistently found that the mere registration of a domain name that is confusingly similar (e.g., domain names incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4. The Panel further notes that the website to which the disputed domain name resolves has the Complainant's trademarks placed on the top, using the Complainant's product images and multiple marks in absence of rights or legitimate interests or a disclosure disclaiming the lack of relationship between the Parties, which further gives a false impression that the Respondent is affiliated with the Complainant. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy as by using the disputed domain name, 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 mark as to the source or affiliation of its website or of products on its 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 <iqosbest.com> be transferred to the Complainant**.**

/Nayiri Boghossian/
Nayiri Boghossian
Sole Panelist
Date: April 24, 2026