ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Philip Morris Products S.A. v. 陈景辉 (chen jing hui)
Case No. D2026-1689

1. The Parties

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

The Respondent is 陈景辉 (chen jing hui), China.

2. The Domain Name and Registrar

The disputed domain name <cnterea.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 21, 2026. On April 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 23, 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") and contact information in the Complaint. The Center sent an email communication to the Complainant on April 27, 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 in English on April 30, 2026.

On April 27, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On April 30, 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 in Chinese and English of the Complaint, and the proceedings commenced on May 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2026.

The Center appointed Tao Sun as the sole panelist in this matter on June 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 a company which is part of the group of companies affiliated to Philip Morris International Inc. (collectively "PMI"). PMI is an international tobacco and smoke-free products company, with products sold in approximately 180 countries. One of the reduced risk products developed and sold by PMI is a tobacco heating system called IQOS. IQOS is a precisely controlled heating device into which specially designed tobacco sticks under the brand names "Heets", "HeatSticks", "Delia", "Levia" or "Terea" are inserted and heated to generate a flavourful nicotine-containing aerosol. After launching in Japen in 2014, the IQOS System is now available in key cities in around 84 markets across the world.

The Complainant owns, among others, the following registered trademark:

(i) The Chinese registration No. 43074545 TEREA in international class 34, registered on October 14, 2021;

(ii) The International registration No. 1218246 IQOS in international classes 9, 11, and 34, registered on July 10, 2014; and

(iii) The International registration No. 1629687 TEREA FOR IQOS ILUMA in international class 34, registered on August 26, 2021.

The disputed domain name was registered on June 29, 2025. According to the evidence submitted by the Complainant, the disputed domain name resolves to an online store which promotes and sells both the products of the Complainant and the products of third parties. The website does not show any details regarding the provider of the website. Under the picture in the top middle of the front page of the website, there is a Chinese statement meaning "[T]his site is not an official IQOS website. All products are imported from overseas and available in domestic stock, with same-day orders shipped on the same day".

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 disputed domain name reproduces the TEREA trademark in its entirety, in addition to the geographical indicator "cn" which refers to China. It is therefore confusingly similar to the Complainant's TEREA trademark.

(ii) the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its TEREA trademark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, 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 trademarks owned by the Complainant. The use of disputed domain name by the Respondent fails to pass the Oki Data test and therefore cannot be considered a bona fide offering of goods and does not establish a legitimate interest on behalf of the Respondent; and

(iii) it is evident from the Respondent's use of the disputed domain name that the Respondent knew of the Complainant's IQOS and TEREA trademarks when registering the disputed domain name. It is also evident from the Respondent's use of the disputed domain name that the Respondent has 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 registered IQOS and TEREA trademarks as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location. The abusive use of the Complainant's IQOS and TEREA trademarks for purposes of promoting competing products is a clear-cut trademark infringement and constitutes clear evidence of the Respondent's bad faith. The fact that the Respondent is using a privacy protection service to hide its true identity 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

6.1. Preliminary Issues: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. 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 requiring the Complainant to submit the Complaint in Chinese would cause an unnecessary burden to the Complainant and unnecessarily delay the proceeding, and there is plenty of evidence showing that the Respondent is capable of communicating in English as the disputed domain name is in Latin script and the website at the disputed domain name includes a number of English words.

The Respondent did not make any 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 Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the matters above, and noting that the disputed domain name resolves to a website containing certain English words and phrases, the Center sent the emails in Chinese and English regarding the notification of the Complaint which includes information on the language of the proceeding, the Respondent did not make any comments on the language of the proceeding, and did not file any response Chinese or English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Substantive Issues

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 disputed domain name contains the Complainant's TEREA mark with the addition of "cn", which stands for China. The Complainant's mark can be easily recognized within the disputed domain name. Therefore, the disputed domain name should be considered confusingly similar to the Complainant's trademark for purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other letters may bear on assessment of the second and third elements, the Panel finds the addition of "cn" 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 that a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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 Complainant has asserted that it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its TEREA trademark.

According to the evidence submitted by the Complainant, the disputed domain name resolves to a website offering for sale the Complainant's products as well as the products of the competing third parties. Although the Panels have recognized that resellers, distributors or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a right or legitimate interest in such domain name, there are certain cumulative requirements which have to be satisfied, knowingly "Oki Data Test". WIPO Overview 3.1, section 2.8. The Respondent's use of the disputed domain name fails to pass the Oki Data test. Although the Respondent makes a statement on the website at the disputed domain name that the site is not an official site of the Complainant and all products are purchased overseas, it however does not accurately and prominently disclose its relationship with the Complainant. More importantly, the Respondent is offering for sale not only the Complainant's products but also the products of the competing third parties, which cannot be considered a bona fide offering of goods.

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 Panel therefore 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 Respondent is using the disputed domain name to offer for sale both the Complainant's products and the products of the competing third parties. Such use not only clearly shows that the Respondent knew of the Complainant and its trademarks when registering the disputed domain name, but also shows that it 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, sponsorship, affiliation, or endorsement of its website or of a product or service on its website. Therefore, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith.

The fact of the Respondent's failure to respond to this Complaint also supports a finding of bad faith.

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 <cnterea.com> be transferred to the Complainant.

/Tao Sun/
Tao Sun
Sole Panelist
Date: June 18, 2026