

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Products S.A. v. Eren Gursoy, BURSA MAHALLESİ  
GAZIOSMAN PASA

Case No. D2026-1904

### **1. The Parties**

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

The Respondent is Eren Gursoy, BURSA MAHALLESİ GAZIOSMAN PASA, Türkiye.

### **2. The Domain Name and Registrar**

The disputed domain name <iqosshops.com> is registered with Nics Telekomunikasyon A.S. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 1, 2026. On May 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 5, 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 May 5, 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 May 11, 2026.

On May 5, 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 May 11, 2026, the Complainant confirmed its request that English 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 May 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 8, 2026.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on June 15, 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 company which is part of the group of companies affiliated to Philip Morris International Inc. Philip Morris International Inc. is one of the leading international tobacco companies, with products sold in approximately 180 countries.

The Complainant is selling smoke-free cigarettes under its "IQOS" brand and owns several international trademark registrations for IQOS including the followings:

- International Registration No. 1218246 for the trademark IQOS extended to Türkiye, registered on July 10, 2014, covering tobacco products and electronic cigarettes, in classes 9, 11, and 34;
- International Registration No. 1329691 for the trademark IQOS (logo) extended to Türkiye, registered on August 10, 2016, covering tobacco products and electronic cigarettes, in classes 9, 11, and 34.

The disputed domain name was registered on February 9, 2026, in the name of the Respondent who is a physical person reportedly domiciled in Türkiye. The disputed domain name resolves to a website in Turkish offering the Complainant's products for sale as well as competing third party products.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant asserts that the disputed domain name is confusingly similar to the Complainant's trademark IQOS and that the addition of the descriptive word "shops" reinforces the association between the disputed domain name and the Complainant's trademark.

The Complainant considers that the Respondent has no rights or legitimate interests in respect of the disputed domain name, mainly because the Complainant has neither licensed nor otherwise authorized the Respondent to use its marks or to apply for or use any domain name incorporating the trademark IQOS. The Complainant further asserts that the conditions of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) for a bona fide offering of goods and services by an authorized or non-authorized third party are not satisfied.

Finally, in addressing the question of registration and use of the disputed domain name in bad faith, the Complainant observes that the Respondent is well aware of the Complainant's trademark considering that the Respondent is using the Complainant's marketing material and that the Respondent's website clearly suggests that the website belongs to the Complainant or is an official affiliated dealer endorsed by the Complainant.

The fact that the website does not provide any information on the true identity of the website provider clearly shows that the Respondent intentionally creates the impression that the products offered on the Respondent's website are provided by the Complainant or at least an official dealer by misleading users on the source of the website and thereby attract, for commercial gain, Internet users to the website.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth the following three elements which the Complainant must prove, during the administrative proceedings, to merit a finding that the disputed domain name be transferred to the Complainant:

(a) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(b) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(c) the disputed domain name has been registered and is being used in bad faith.

Pursuant to paragraph 15(a) of the Rules, the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

### **6.1. 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 the fact that the Complainant is not capable of providing the Complaint in Turkish without unreasonable effort and costs as the translation of the Complaint and supporting documents into Turkish language would cause an unnecessary burden to the Complainant and unnecessarily delay the proceeding, and that the Respondent is capable of communicating in English given the composition of the disputed domain name which includes the English word "shops".

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 Select UDRP Questions \("WIPO Overview 3.1"\)](#), section 4.5.1).

Having considered all the matters above and bearing in mind that the Respondent has not objected the Complainant's request concerning the language of the proceeding, 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

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

A trademark registration provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner.

As indicated above, the Complainant holds several trademark registrations for the IQOS trademark. The disputed domain name <iqosshops.com> integrates the Complainant's IQOS trademark in its entirety.

The disputed domain name differs from the registered IQOS trademark by the additional descriptive term "shops". The term "shops" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

As regards the generic Top-Level Domain ("gTLD") ".com", it is typically disregarded under the confusing similarity test under the Policy.

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

### B. Rights or Legitimate Interests

The onus is on the Complainant to make out at least a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name and it is then for the Respondent to rebut this case.

Although the Respondent did not file a Response, a respondent's default does not automatically result in a decision in favor of the complainant. See [WIPO Overview 3.1](#), section 4.3 and the cases cited therein.

However, paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, a panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules.

As there are no exceptional circumstances for the failure of the Respondent to submit a Response, the Panel infers that the Respondent does not deny the facts asserted and contentions made by the Complainant. *Reuters Limited v. Global Net 2000, Inc.*, WIPO Case No. [D2000-0441](#).

A number of UDRP decisions have addressed the question of when a reseller's use of a mark constitutes a bona fide offering of goods and services. The consensus view was articulated in *Okidata Americas, Inc. v. ASD, Inc.*, supra. See [WIPO Overview 3.1](#) at section 2.8. In that case, the authorized reseller's domain name <okidataparts.com> incorporated the complainant's OKIDATA trademark in full. The panel in *Okidata Americas, Inc. v. ASD, Inc.*, supra, concluded that for a respondent to demonstrate that a resale offering was bona fide, the following conditions must be met:

- the respondent must actually be offering the goods or services at issue;
- the respondent must use the corresponding website to sell only the trademarked goods, otherwise there is the possibility that the respondent is using the trademark in the domain name to bait consumers and then switch them to other goods;
- the site itself must accurately disclose the respondent's relationship with the trademark owner, i.e., respondent may not falsely suggest that it is the trademark owner, or that the website is the official site, if that is not the case; and

- the respondent must not try to “corner the market” in all relevant domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In this case, it appears from the website at the disputed domain name, that the Respondent has been operating its business of selling electronic cigarettes for the Complainant’s products together with competing third party products.

Moreover, the Respondent is using the stylized version or the logo of the IQOS trademark on the website. In this respect, the website includes the photos of the Complainant’s IQOS branded products and uses the marketing material of the Complainant. All of these circumstances give the impression that the Respondent is affiliated with the Complainant or it is authorized dealer of the Complainant in Türkiye whereas the Complainant does not currently offer for sale its IQOS branded products in the territory of Türkiye.

Lastly, there is no disclaimer on the webpage connected to the disputed domain name regarding the -lack of- relationship between the Complainant and the Respondent.

For these reasons, the Panel concludes that the Respondent is not making use of the disputed domain name in connection with a bona fide offering of goods or services.

In the Panel’s view the Complainant has made out its prima facie case under this element of the Policy and the Respondent has failed to rebut it. Accordingly, the Complaint succeeds in relation to the second element of the Policy.

### **C. Registered and Used in Bad Faith**

Finally, the Complainant must show that the disputed domain name has been registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances that, if found by a panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Considering the Panel’s finding under the second element, the Panel finds that the registration and use of the disputed domain name falls under the circumstances described under paragraph 4(b)(iv) of the Policy, namely, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by seeking to create a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

Moreover it is the Panel’s view that using in the disputed domain name the word “shops” together with the registered IQOS trademark strengthens the impression that the disputed domain name is in some way connected to the Complainant’s trademark (see, e.g., *Société des Produits Nestlé S.A. v. MrToys.com LLC*, WIPO Case No. [D2012-1356](#); *Allianz SE v. Roy Lee / Traffic-Domain.com*, WIPO Case No. [D2012-1459](#); *Swarovski Aktiengesellschaft v. mei xudong*, WIPO Case No. [D2013-0150](#); and *Swarovski Aktiengesellschaft v. “www.swarovski-outlet.org”*, WIPO Case No. [D2013-0335](#)).

Lastly, the Panel observed that the Respondent used a privacy shield. While the Respondent’s use of a privacy service will not in itself constitute bad faith under the Policy, the Panel may still take it into account and draw adverse inferences. The use of the privacy shield in this case together with other elements gives rise to the suspicion that the privacy shield was used to mask the identity of the true registrant, to give impression that the Complainant is offering this website in the absence of any information regarding the ownership of the website and to obstruct proceedings commenced under the Policy.

Accordingly, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy have been met by the Complainant.

## 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 <iqosshops.com> be transferred to the Complainant.

*/Emre Kerim Yardimci/*

**Emre Kerim Yardimci**

Sole Panelist

Date: June 27, 2026