

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Mujdat Efkan
Case No. D2026-1950

1. The Parties

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

The Respondent is Mujdat Efkan, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <vozoliqos.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 May 5, 2026. On May 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 8, 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 (Private Registration, APINAME, APINAME Ltd) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 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 May 18, 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 May 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 10, 2026.

The Center appointed Kaya Köklü as the sole panelist in this matter on June 12, 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 the Philip Morris International Inc. group, which is a group of companies active in the field of tobacco and smoke-free products.

The Complainant owns a large number of word and figurative IQOS trademark registrations around the globe. According to the Complaint, the Complainant is, among many others, the registered owner of the International Trademark Registration No. 1218246, registered on July 10, 2014, for IQOS, designating among others Türkiye, and covering protection for goods in classes 9, 11, and 34.

The Respondent is reportedly located in Türkiye.

The disputed domain name was registered on March 13, 2026.

Screenshots, as provided by the Complainant, show that the disputed domain name resolves to a website, which is used for purportedly offering various kinds of smoke-free products of the Complainant as well as competing third-party products. On the associated website, the IQOS as well as other trademarks and official product images of the Complainant are prominently used without a visible disclaimer describing the (lack of) relationship between the Parties.

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.

B. Respondent

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

6. Discussion and Findings

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

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

As per paragraph 4(a) of the Policy, the complainant bears the burden of proving that all these requirements are fulfilled, even if a respondent has not substantively replied to the complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

Concerning the uncontested information provided by a complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in a complaint as true. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.1](#) and, where appropriate, will decide consistently with the consensus views captured therein.

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 the IQOS trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the IQOS mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the IQOS mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here "vozol", which is a trademark for smoke-free products of a third party not involved to the present administrative proceeding, 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.

In this regard, the Panel particularly believes that the Respondent cannot be assessed as a legitimate dealer for the Complainant's products in light of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki Data") and thus is not entitled to use the disputed domain name accordingly. The criteria as set forth in Oki Data are apparently not fulfilled in the present case. The Panel particularly notes that under the disputed domain name the Respondent offers not only products of the Complainant but also competing third-party products of other commercial origin. Additionally, the website which is linked to that disputed domain name does not accurately and prominently disclose the relationship, or rather the lack thereof, between the Respondent and the Complainant, thus creating the false impression that the Respondent might be an official and/or authorized reseller/distributor for the Complainant's products in Türkiye. In view of the Panel, this takes the Respondent out of the Oki Data safe harbour for purposes of the second element.

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.

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.

In the present case, the Panel notes that the Respondent must have had the Complainant and its IQOS trademark in mind when registering the disputed domain name. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain name, which comprises the Complainant's IQOS in its entirety, to target and mislead Internet users searching for the Complainant and its products.

With respect to the use of the disputed domain name in bad faith, the Panel finds that the Respondent uses the disputed domain name in order to generate traffic to its own website by deliberately misleading third parties in a false belief that the associated website is either operated or at least authorized by the Complainant. The prominent use of the Complainant's IQOS mark on the website at the disputed domain name including further trademarks, logos and official product pictures of the Complainant is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its IQOS trademark as to the source, sponsorship, affiliation or endorsement of the associated website.

In addition, the Panel notes the failure of the Respondent to submit a response to the Complainant's contentions, which additionally supports the Panel's finding of bad faith.

Consequently, the Panel is convinced that the Respondent has registered and is using the disputed domain name in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

D. Requested Remedy

The Complainant requests the transfer of the disputed domain name.

As to the findings above, the Complainant has satisfied all three requirements of paragraph 4(a) of the Policy.

However, the Panel again notes that the disputed domain name incorporates not only the Complainant's IQOS trademark but also the trademark VOZOL, which is owned and used by another entity, which is not a party to the present administrative proceeding.

In line with section 4.13 of the [WIPO Overview 3.1](#) and numerous UDRP decisions, the Panel believes that a transfer of a domain name incorporating not only the Complainant's trademark but also a trademark of another company may be reasonable, if (1) the Complainant has satisfied all three requirements of paragraph 4(a) of the Policy, and (2) such transfer order does not appear inefficient and inappropriate.

In the present case, the Panel once more confirms that the Complainant has satisfied the UDRP's three-step test (as discussed above). Furthermore, the Panel sees no reason that the transfer of the disputed domain name would be inefficient and inappropriate with regard to potential third party trademark rights, particularly as the alternative remedy of cancellation would not prevent repeated registration of the disputed domain name and potential future abuse.

Bearing also in mind that any transfer decision by the Panel will not prejudice any potential rights of the third party in the disputed domain name, the Panel believes that a transfer of the disputed domain name to the Complainant will be efficient and appropriate to the present case.

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 <vozoliqos.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: June 26, 2026