

## ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. 哥 哲 (Ge Zhe)  
Case No. D2026-2332

### 1. The Parties

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

The Respondent is 哥 哲 (Ge Zhe), China.

### 2. The Domain Names and Registrar

The disputed domain names <hk-marlboro.com> and <marlboro-hk.com> (the “Disputed Domain Names”) are registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 29, 2026. On June 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On June 2, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 4, 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 June 11, 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 June 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 6, 2026.

The Center appointed Tommaso La Scala as the sole panelist in this matter on July 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 Philip Morris Products S.A., a company incorporated under the laws of Switzerland and a subsidiary of Philip Morris International Inc. Together with its affiliated companies (jointly, “PMI”), the Complainant forms part of an international tobacco and smoke-free products group, with products sold in approximately 180 countries. The Complainant’s brand portfolio includes MARLBORO, a cigarette brand since 1972, as well as IQOS, a tobacco heating system first launched in Nagoya, Japan in 2014 and currently available in many cities across approximately 84 markets.

The Complainant owns a substantial portfolio of trademark registrations for MARLBORO and IQOS, including - as a mere example:

- Hong Kong, China Registration MARLBORO (word) No. 303620079, registered on December 7, 2015;
- International Registration MARLBORO (device) No. 1023145, registered on September 28, 2009 and designating several jurisdictions, including China; and
- China Registration IQOS (word) No. 16314286, registered on May 14, 2016.

The Disputed Domain Name <marlboro-hk.com> was registered on January 7, 2025, and the Disputed Domain Name <hk-marlboro.com> was registered on January 22, 2025. Both Disputed Domain Names were, at the time of filing of the Complaint, recorded in the WhoIs database in the name of a privacy service, Dynadot Privacy Service (Super Privacy Service LTD c/o Dynadot). Following the Center’s request, the Registrar’s verification response of June 2, 2026 disclosed that both Disputed Domain Names are registered in the name of the same registrant, 哥 哲 (Ge Zhe), of Guangzhou, Guangdong, China, with identical registrant contact particulars recorded for each of the two Disputed Domain Names.

The Disputed Domain Name <marlboro-hk.com> previously resolved to an online shop purporting to offer for sale the Complainant’s IQOS System and MARLBORO cigarettes, together with competing third-party products; as at the filing of the Complaint, the corresponding website was inactive. The Disputed Domain Name <hk-marlboro.com> resolves to an online shop, presented in Chinese and denominated in Hong Kong Dollars, likewise offering for sale the Complainant’s IQOS System and MARLBORO cigarettes alongside competing third-party products, including products marketed under the Kent, Ploom, and Lark brands. The corresponding website prominently displays the Complainant’s registered device mark at the top of the page and within the browser tab and displays the Complainant’s IQOS and TEREА trademarks within the website banner. The website makes use of adapted versions of the Complainant’s official product photography without authorization, accompanied by a copyright notice claiming rights in that material, and does not otherwise identify the operator of the website beyond a reference to MARLBORO.

The Complainant submits that the Respondent is the very same individual who was the respondent in a prior UDRP proceeding brought by the Complainant, *Philip Morris Products S.A. v. 哥 哲*, WIPO Case No. [D2025-4457](#), concerning the domain names <hk-iqos.com> and <iqos-terea-shop.com>, decided on December 15, 2025 in the Complainant’s favor.

#### 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 Names.

Notably, the Complainant contends that:

- (a) the Disputed Domain Names are confusingly similar to the Complainant's MARLBORO trademark, reproducing the mark in its entirety, together with the addition of geographical abbreviation "hk";
- (b) the Respondent lacks any rights or legitimate interests in the Disputed Domain Names, since the Respondent is not an authorized reseller or distributor of the Complainant's products, it offers competing third-party goods alongside the Complainant's products, and fails accurately to disclose its relationship (or lack thereof) with the Complainant; and
- (c) the Respondent registered and is using the Disputed Domain Names in bad faith, by intentionally creating a likelihood of confusion with the Complainant's trademarks for commercial gain, by trading in competing products under cover of the Complainant's mark, and by exhibiting a pattern of similar conduct evidenced in the prior proceeding decided under *Philip Morris Products S.A. v. 哥 哲*, WIPO Case No. [D2025-4457](#).

## **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 Names. [WIPO Overview 3.1](#), section 1.7.

The Complainant has established rights in the MARLBORO trademark.

Each of the Disputed Domain Names reproduces the Complainant's MARLBORO trademark in its entirety, together with the geographical abbreviation "hk", positioned before or after the mark. This Panel agrees with the Complainant's submission that the Complainant's mark remains clearly recognizable within the Disputed Domain Names, and that the addition of a geographical term does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), sections 1.7 and 1.8. The applicable Top-Level Domain is disregarded for the purposes of the first element comparison. [WIPO Overview 3.1](#), section 1.11.

Therefore, the Panel finds the Disputed Domain Names to be confusingly similar to the MARLBORO trademark in which the Complainant has rights. Accordingly, 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 the Disputed Domain Names.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving 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.

This Panel finds that the Complainant has made a prima facie case that the Respondent does not have rights or legitimate interests in the Disputed Domain Names. The Respondent does not appear to be commonly known by the name “Marlboro” or any similar name, has no connection to or affiliation with the Complainant, and has not been licensed or otherwise authorized by the Complainant to use the MARLBORO trademark or to register a domain name incorporating it.

Even if the Respondent were to claim a right or legitimate interest as a reseller of the Complainant’s products, such a claim would fail to satisfy the requirements of the so-called Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). In particular, the website linked to the Disputed Domain Name <hk-marlboro.com> offers for sale, alongside the Complainant’s products, competing third-party products (including Kent, Ploom, and Lark branded products), which is sufficient in itself to exclude a legitimate interest founded on a bona fide offering of goods. Moreover, the website provides no accurate and prominent disclaimer of the Respondent’s actual relationship with the Complainant; on the contrary, the prominent and unauthorized use of the Complainant’s registered device mark at the top of the website and within the browser tab, the use of the Complainant’s IQOS and TEREА trademarks within the website banner, the use of adapted images of the Complainant’s official product photography accompanied by a false claim of copyright, and the absence of any identification of the website’s actual operator (beyond a reference to “MARLBORO” itself), together reinforce a false impression of an official or authorized relationship with the Complainant. [WIPO Overview 3.1](#), section 2.8.1.

As regards the Disputed Domain Name <marlboro-hk.com>, the Panel notes that it previously resolved to an online shop purporting to offer for sale the Complainant’s IQOS System and MARLBORO cigarettes, together with competing third-party products. Since the Respondent is using the Complainant’s trademark to promote and sell competing third-party goods without authorization, such use cannot be considered a bona fide offering of goods or services.

Having reviewed the available record, and considering that 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 Names such as those enumerated in the Policy or otherwise, 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.

The Complainant has documented that the Respondent has purposely registered and used the Disputed Domain Names to attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s MARLBORO trademark as to the source, sponsorship, affiliation or endorsement of the websites linked to <hk-marlboro.com> and <marlboro-hk.com>, its products, and its purported relationship with the Complainant.

Given the fame of the MARLBORO mark, and the fact that the Respondent began offering the Complainant’s products through the corresponding website immediately following registration, the Panel is satisfied that the Respondent had actual knowledge of the Complainant’s rights at the time of registration. This conduct is, in the Panel’s view, sufficient to show bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

The Respondent’s offering, alongside the Complainant’s genuine products, of competing third-party products under cover of the Complainant’s MARLBORO trademark provides further evidence of the Respondent’s bad faith.

The Panel also notes the Complainant’s submission, supported by the similarity in the composition of the Disputed Domain Names, the identity of the contact particulars, and the substantial similarity of the corresponding websites, that the Respondent is the same individual, or is connected to the same individual,

found to have engaged in bad faith registration and use of the domain names <hk-iqos.com> and <iqos-terea-shop.com> in the prior proceeding decided under *Philip Morris Products S.A. v. 哥 哲*, WIPO Case No. [D2025-4457](#). This is indicative of a pattern of conduct directed at the Complainant's trademarks, which further supports a finding of bad faith.

Finally, the Panel notes that the Respondent's use of a privacy protection service to shield its identity in the Whois records may itself constitute a factor indicating bad faith in the circumstances of this case. [WIPO Overview 3.1](#), section 3.6.

The Panel finds the third element of the Policy has been established.

## 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 Names <hk-marlboro.com> and <marlboro-hk.com> be transferred to the Complainant.

*/Tommaso La Scala/*

**Tommaso La Scala**

Sole Panelist

Date: July 23, 2026