WIPO
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INTELLECTUAL PROPERTY
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ARBITRATION
AND
MEDIATION CENTER

# ADMINISTRATIVE PANEL DECISION
Philip Morris Products S.A. v. mehmet konak
Case No. D2026-2774

## 1. The Parties

The Complainant is Philip Morris Products S.A., Switzerland, represented by Akran Intellectual Property, Italy.

The Respondent is mehmet konak, Türkiye.

## 2. The Domain Name and Registrar

The disputed domain name <tobaccoterea.com> is registered with Spaceship, Inc. (the “Registrar”).

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 25, 2026. On June 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 29, 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 July 2, 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 July 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2026. The Respondent did not file a Response. Accordingly, on July 27, 2026, the Center notified the Respondent's default. Subsequently to the Center's Notification of Respondent Default, the Respondent sent email communications to the Center on July 27 and 28, 2026, expressing initially that it would file a Response, and later, expressing its willingness to voluntarily transfer the disputed domain name. The Complainant requested suspension of the proceedings on July 30, 2026, and the Center suspended the proceedings on the same day until August 30, 2026. The Complainant requested reinstitution of the proceedings on August 26, 2026, due to no settlement, and the Center reinstituted the proceedings on August 27, 2026.

The Center appointed Igor Alfiorov as the sole panelist in this matter on August 31, 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 Swiss company, part of the group of companies affiliated with Philip Morris International Inc. (jointly referred to as "PMI"), which is one of the leading international tobacco and smoke-free products companies. PMI has developed a tobacco heating system called the "IQOS System", which utilizes specially designed tobacco sticks under the brand name "terea".

The Complainant holds numerous registered trademarks for the TEREA mark worldwide, including:

- Turkish Trademark Registration TEREA (word) No. 2019 128867, registered on September 17, 2020; and
- International Trademark Registration TEREA (word) No. 1765887, registered on October 19, 2023.

The disputed domain name was registered on April 30, 2026. The disputed domain name resolves to an active website named "TEREA Türkiye" which purports to sell TEREA tobacco sticks compatible with the IQOS System. This website is operated in Turkish, displays prices in Turkish Lira (TRY), and offers delivery to Turkish cities. At the date of this Decision, the Complainant's IQOS System and TEREA tobacco products have not been officially launched or sold in Türkiye by the Complainant. The website displays the Complainant's registered TEREA trademarks, product images, and marketing materials the use of which the Complainant asserts is unauthorized. The website also displays a copyright notice: "© 2026 Terea. Tüm hakları saklıdır" (translated as "© 2026 Terea. All rights reserved").

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its registered TEREA trademark, incorporating the mark in its entirety with the addition of the generic, descriptive term "tobacco".

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not licensed or authorized to use the Complainant's trademarks, and has used it to host an unauthorized online shop that falsely purports to be an official reseller. The Complainant argues that this use does not satisfy the Oki Data test because the commercial website operates in a market where the products have not been launched, uses the Complainant's official images without authorization, and fails to disclose the lack of relationship with the trademark owner.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. In particular, the Respondent registered the disputed domain name with full knowledge of the Complainant's highly distinctive and invented TEREA mark. The Respondent used the disputed domain name to intentionally attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, or affiliation of the website, which constitutes bad faith under the Policy.

**B. Respondent**

The Respondent did not submit a formal Response. However, in informal email communications sent to the Center on July 27 and July 28, 2026, the Respondent initially stated that he would file a Response and requested the Panel to grant him brief extension to do so; however on a later communication, he stated he had "no intention of trademark infringement or bad faith registration" and expressed his willingness to voluntarily transfer the disputed domain name to the Complainant without requesting any compensation.

**6. Discussion and Findings**

**6.1. Consent to Transfer**

The Panel notes that the Respondent has explicitly consented on the record to the transfer of the disputed domain name to the Complainant. Under WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.10, where a respondent has consented to the transfer remedy sought by the complainant, panels will typically order the requested remedy solely on the basis of such consent in the interest of procedural efficiency. However, to ensure a complete and robust record, the Panel deems it appropriate to briefly review the three substantive elements of the Policy.

**6.2. Substantive Issues**

**A. Identical or Confusingly Similar**

The Panel finds that the Complainant has established rights in the TEREA trademark through its registered trademarks.

The disputed domain name incorporates the Complainant's registered TEREA trademark in its entirety. The addition of the descriptive, generic term "tobacco" does not prevent a finding of confusing similarity, as the Complainant's mark remains clearly recognizable within the disputed domain name. See WIPO Overview 3.1, section 1.8.

The generic Top-Level Domain ".com" is a standard technical requirement and is typically disregarded under the first element confusing similarity test. See WIPO Overview 3.1, section 1.11.1.

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.

The Complainant has established an unrebutted prima facie case that the Respondent possesses no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with or authorized by the Complainant, is not commonly known by the disputed domain name, and has no trademark rights in the term "terea".

The Complainant has provided evidence that the disputed domain name resolves to an active online shop proposing to offer the Complainant's TEREA products for sale in Türkiye, despite the fact that these products are not officially sold or launched in that territory. The Respondent's use of the disputed domain name to offer, without authorization, the Complainant's products while mimicking its branding and using its official marketing materials without disclosing the lack of relationship with the Complainant, does not satisfy the requirements of the "Oki Data" test, see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, and cannot constitute a bona fide offering of goods or services within the meaning of WIPO Overview 3.1, section 2.8.1. Under WIPO Overview 3.1, section 2.13.1, panels categorically hold that the use of a domain name for illegitimate activity, such as operating a deceptive passing off site that falsely suggests official affiliation, can never confer rights or legitimate interests on a respondent.

Furthermore, the Respondent's explicit communications on July 27 and 28, 2026, confirming his willingness to voluntarily transfer the disputed domain name, serve as an admission that he does not contest the Complainant's contentions of lacking any rights or legitimate interests in the disputed domain name.

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

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

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances indicating bad faith, but panels may consider any other relevant facts under the totality of the circumstances. See WIPO Overview 3.1, section 3.2.1.

In light of the Respondent's unauthorized use of the Complainant's highly distinctive and invented TEREA trademark in the disputed domain name and the nature of the Respondent's website, which offers by using the TEREA mark the Complainant's products for sale, on an unauthorized passing off site in Türkiye where those products have not been launched, the Panel is in no doubt that the Respondent had the Complainant and its rights in the trademark in mind when registering the disputed domain name. The Panel considers that the Respondent registered and used the disputed domain name to deceive Internet users into believing the website was operated or authorized by the Complainant, thereby attracting Internet users by creating a likelihood of confusion with the Complainant's mark for commercial gain.

This represents a paradigm case of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

This conclusion is further reinforced by the Respondent's use of a copyright notice ("© 2026 Terea. Tüm hakları saklıdır") on the resolving website to create an artificial appearance of legitimacy, and his initial use of a privacy service to conceal his identity. See WIPO Overview 3.1, sections 3.1.4 and 3.6. The targeting of the Complainant's brand is directly demonstrated by the incorporation in the disputed domain name of the generic, descriptive term "tobacco" alongside the highly distinctive and invented mark TEREA. Because "terea" is a purely imaginative term with no descriptive meaning other than as the Complainant's brand of heated tobacco sticks, and the addition of the word "tobacco" directly reinforces the targeting of the Complainant's core business, accordingly the presumption of bad faith. This closely mirrors established UDRP precedent where the combination of a highly distinctive trademark with a descriptive term representing the complainant's core product or industry is considered clear evidence of bad faith targeting (see, *Imperial Tobacco Canada Limited v. N. B.,* WIPO Case No. DCO2010-0020, regarding <imperialtobacco.co> and *Ansell Healthcare Products Inc. v. Australian Therapeutics Supplies Pty.,* WIPO Case No. D2001-0110, regarding <ansellcondoms.com>).

Finally, the Panel notes that the Respondent did not file a formal response nor provided an explanation for the manner in which it used the disputed domain name. Instead, the Respondent explicitly stated in informal correspondence that he does not object to the transfer. This lack of a good-faith explanation, combined with the target-oriented nature of the registration and active use for passing off, leads the Panel to conclude that the disputed domain name was registered and is being used in bad faith. The Panel therefore finds that the Complainant has established the third element of the Policy.

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 <tobaccoterea.com> be transferred to the Complainant.

*/Igor Alfiorov/*
**Igor Alfiorov**
Sole Panelist
Date: September 14, 2026