

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. dndnakan akan
Case No. D2026-2947

1. The Parties

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

The Respondent is dndnakan akan, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <iqosturkiye.shop> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 4, 2026. On July 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 7, 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 10, 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 20, 2026.

The Center appointed Ahmet Akgüloğlu as the sole panelist in this matter on August 24, 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 part of the group companies in affiliation with Philip Morris International Inc. which is a world-renowned company producing tobacco and smoke-free products.

The Complainant owns numerous trademark registrations in many jurisdictions around the world, including the International Trademark registrations No. 1218246 for IQOS, registered on July 10, 2014, No. 1338099 for IQOS, registered on November 22, 2016, No. 1461017 for IQOS, registered on January 18, 2019, No. 1557546 for IQOS, registered on August 27, 2020, No. 1329691 for IQOS, registered on August 10, 2016.

The disputed domain name was registered on May 17, 2026.

The screenshots provided by the Complainant show that the Complainant's registered trademarks and official pictures regarding the Complainant's products were being presented on the website associated with the disputed domain name.

5. Parties' Contentions

A. Complainant

(a) The disputed domain name is identical or confusingly similar to a trademark or services mark in which the Complainant has rights.

The Complainant asserts that there is confusing similarity, in terms of the Complainant's registered IQOS trademarks and the disputed domain name. The Complainant submits that the term "iqos" in the disputed domain name is identical to the Complainant's registered IQOS trademarks. The Complainant claimed that the term "türkiye" which refers to the officially accepted name of Türkiye, is insufficient to prevent a finding of confusing similarity. The Complainant further explained that the term "türkiye" was used in the disputed domain name in order to create the illusion that the website belongs to the official store selling the Complainant's products. The Complainant further notes that the Top-Level Domain ("TLD") ".shop" may be disregarded for purposes of assessing confusing similarity, as it is viewed as a standard requirement of registration. Therefore, the Complainant contends that the usage of abovementioned terms in the disputed domain name is confusingly similar to the Complainant's earlier trademarks.

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

The Complainant denotes that the Respondent does not own any IQOS trademarks or any similar kinds. There is no evidence that the Respondent is known by the disputed domain name as the person or business. It is rather argued that the disputed domain name falsely suggests that there is some official or authorized connection between the Complainant and the Respondent. The Complainant argued that the Respondent's situation did not satisfy the necessities set out by previous panel decisions for a bona fide offering goods. The Complainant underlined that its products are not presented in Türkiye and not in the market yet, while the Respondent was offering for sale IQOS, ILUMA, TERE, and HEETS tobacco products through the disputed domain name even though the IQOS System has been not officially launched in Türkiye. Therefore, the Complainant claimed the Respondent is misleading the consumers to believe the website under the disputed domain name is an official distributor of the Complainant. Therefore, the Complainant affirms that the Respondent's use of IQOS trademark is not in connection with bona fide, it is not known with the disputed domain name and the Complainant submits that it has made a prima facie case of the Respondent's lack of rights or legitimate interests in the disputed domain name.

- (c) The disputed domain name was registered and is being used in bad faith.

The Complainant argued that the term “iqos” is purely an imaginative term and unique to the Complainant. The term is not commonly referred to or used to describe tobacco goods. Therefore, the Respondent must have been aware of the Complainant’s trademarks and it is not a coincidence to use exact term with the Complainant’s official advertising visuals and wording in the disputed domain name website. Considering the mentioned elements of the Complaint, the Complainant submits that the Respondent has acted in bad faith when registering and using the disputed domain name.

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

Paragraph 15(a) of the Rules instructs the Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires that the complainant prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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. The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

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 of WIPO Panel Views on Select UDRP Questions (“[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 Complainant has provided sufficient evidence regarding the ownership of the IQOS trademarks.

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

Although the addition of other term “turkiye” 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.

Where the relevant trademark is reproduced within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element. The nature of such additional terms may however bear on assessment of the second and third elements. It is evident that the disputed domain name incorporates the Complainant’s IQOS trademark.

The Panel ignored the TLD “.shop” since it is viewed as a standard registration requirement and suggested as disregarded under the first element similarity test. See [WIPO Overview 3.1](#), section 1.11.1.

For the reasons explained above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks as required by the Policy 4(a)(i).

Thus, 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.

Considering that the Respondent did not provide any evidence regarding its legitimate rights on the disputed domain name or any trademark registrations containing "iqos" term, it was made clear to the Panel that the Respondent has failed to provide evidence of any the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with any bona fide offering of goods or services.

In this regard, the Panel is convinced that the Respondent cannot be assessed as an authorized dealer for the Complainant's products and thus is not authorized to use the disputed domain name accordingly. The Panel notes that the website in association with the disputed domain name did not disclose any (lack of) relationship between the Respondent and the Complainant also considering the explanation stating "IQOS Türkiye" which gives a false impression that the website is the Complainant's authorized dealer in Türkiye. Considering that the Complainant did not start selling products in Türkiye and assures the Panel that they do not have official distributor in this regard, the Panel is convinced that the Respondent gives a false impression supported by the associated website to the consumers.

Therefore, 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.

It also appears to the Panel that the Respondent has registered the disputed domain name solely for the purpose of creating a relation with the Complainant and its products. After the examination of the associated website presented by the Complainant, the Panel is in the idea that the Respondent has intentionally

registered the disputed domain name in order to gain profit from the Complainant's sectoral recognition and "tries to attract, for illegitimate commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation or endorsement of its website". (See *Philip Morris Products S.A. v. Baran Bolukbasi*, WIPO Case No. [D2023-5131](#))

The Respondent even used the Complainant's official product images and the IQOS trademark within the associated website explicitly in order to create a likelihood of confusion in the eyes of the consumers.

In addition, the Panel is of the opinion that the Respondent's lack of response to the Complaint also further strengthens outcome that it has registered and is using the disputed domain name in bad faith.

The disputed domain name consists of the Complainant's mark and "türkiye", and resolved to a website purporting to be "IQOS Türkiye". As can be seen from the website images provided by the Complainant, the Respondent was offering the products of the Complainant for sale using the Turkish language and pricing in Turkish Lira. Therefore, the Panel is convinced that the Respondent aimed to sell IQOS products to the Turkish market where the Complainant states it does not have any official distributor or any kind of sale. Thus, the disputed domain name was registered and used in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Thus, 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 <iqosturkiye.shop> be transferred to the Complainant.

/Ahmet Akgüloğlu/

Ahmet Akgüloğlu

Sole Panelist

Date: September 7, 2026