

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Yusuf USLU, ADS Manager
Case No. D2026-3340

1. The Parties

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

The Respondent is Yusuf USLU, ADS Manager, Türkiye.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 28, 2026. On July 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 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, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 3, 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 August 7, 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 August 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 2, 2026.

The Center appointed Francisco Castillo-Chacón as the sole panelist in this matter on September 9, 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. (the “Complainant”), is a Swiss company and a subsidiary of Philip Morris International Inc. (together “PMI”). PMI is a leading international tobacco and smoke-free products company with products sold in approximately 180 countries. PMI developed a tobacco heating system called IQOS, with specially designed tobacco sticks sold under brand names including TEREА, HEETS, HeatSticks, DELIA, and LEVIA. The IQOS System was first launched in Nagoya, Japan in 2014 and is now available in key cities in around 84 markets. PMI has invested over USD 12.5 billion in the development of smoke-free products, and approximately 33 million consumers worldwide use PMI smoke-free products.

The Complainant owns an extensive trademark portfolio for the TEREА and IQOS marks across numerous jurisdictions. Among the registrations most relevant to this proceeding are: (i) Turkish Registration TEREА (word) No. 2019/128867, registered on September 17, 2020; (ii) International Registration IQOS (device) No. 1338099, registered on November 22, 2016, which designates Türkiye among numerous other jurisdictions; and (iii) International Registration TEREА (word) No. 1765887, registered on October 19, 2023.

The disputed domain name <treasigara.com> was registered on May 2, 2024. The website accessible at “www.treasigara.com” (the “Website”) presents itself as an online store with the message “IQOS TEREА iLuma Siparis Ver” (“Order IQOS TEREА ILUMA”), offering TEREА-branded tobacco sticks and IQOS ILUMA devices, with prices in Turkish Lira (TRY). The Website uses the Complainant’s TEREА, IQOS, and ILUMA marks prominently throughout its pages. It uses the Complainant’s official product images; according to the Complainant, those images have been modified in most cases to remove mandatory health warnings. The Website’s footer displays the copyright notice “iQOS Terea Cigarette (c) 2024 - Created with Wix.com”, in which the TEREА mark is correctly spelled. The Complainant asserts that the IQOS System and TEREА products are not currently officially sold in Türkiye.

The disputed domain name was originally registered through a privacy service. Following registrar verification on July 29, 2026, the Registrar disclosed that the registrant to be Yusuf USLU, operating under the company name ADS Manager. The Complainant affirms, uncontested, that the Respondent is not known to the Complainant, is not affiliated with PMI, and has not been authorized to use the TEREА, IQOS, or ILUMA trademarks in any form.

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.

Notably, the Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant contends that the disputed domain name is confusingly similar to its TEREА trademark. The domain name reproduces the TEREА mark with only one letter omitted (“trea” instead of “terea”), followed by the generic Turkish word “sigara” (cigarette). The Complainant submits that this constitutes an intentional misspelling under [WIPO Overview 3.1](#), section 1.9, and that the addition of “sigara” does not prevent but amplifies the finding of confusing similarity.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been authorized to use any of the Complainant's marks. The Respondent is not an authorized distributor or reseller of IQOS or TEREА products, which are not officially available in Türkiye. The Website does not satisfy the requirements of *Okі Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) for a finding of nominative fair use: it fails to disclose the operator's identity or relationship with the trademark owner, and uses the Complainant's product images without authorization, modifying them to remove health warnings.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. TEREА is a purely coined term uniquely associated with the Complainant. The Respondent immediately used the domain to operate an online store offering the Complainant's branded products for commercial gain, creating a likelihood of confusion under paragraph 4(b)(iv) of the Policy. The intentional misspelling of the Complainant's mark in the disputed domain name is confirmed by the Website's own copyright notice, which correctly spells TEREА. The initial use of a privacy service to conceal the Respondent's identity further supports a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must establish: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (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 is satisfied that the Center has taken all steps required under the Rules to give the Respondent proper notice and a fair opportunity to respond. The Respondent did not submit any Response. The Panel proceeds to consider the three elements of the Policy.

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 Panel finds the mark is recognizable 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. The Panel notes that the disputed domain name incorporates the TEREА mark with a single letter omitted, producing the term "trea" in place of "terea". According to [WIPO Overview 3.1](#), section 1.9, a domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element, on the basis that the mark remains recognizable in the domain name. The omission of the letter "e" from TEREА to produce "trea" is precisely the type of typographical alteration that panels have consistently treated as a misspelling within the meaning of section 1.9.

Moreover, although the addition of other terms here "sigara" 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 Complainant has demonstrated registered trademark rights in the TEREА mark through multiple registrations, most notably Turkish Registration No. 2019/128867 (word mark, registered September 17, 2020) and International Registration No. 1765887 (word mark, registered October 19, 2023). The Panel finds the Complainant has established registered trademark rights in the TEREА mark.

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.

The Respondent’s use of the disputed domain name to operate an online store purporting to sell TEREА tobacco sticks and IQOS ILUMA devices cannot be regarded as nominative fair use under the Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). The Website fails to disclose the operator’s identity and the lack of relationship with the trademark owner. It also uses the Complainant’s official product images without authorization, and contains a copyright notice that effectively indicates to users that the Website would be operated or authorized by the Complainant. Such conduct cannot confer rights or legitimate interests on the Respondent. [WIPO Overview 3.1](#), sections 2.8 and 2.13.1.

The Respondent submitted no Response. 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 Panel finds the third element of the Policy has been established on the following grounds.

First, TEREА is a coined, imaginative term with no dictionary meaning in any language, exclusively associated with the Complainant’s smoke-free product line. Given the Complainant’s trademark rights predating the disputed domain name by several years and the notoriety of the TEREА mark internationally, it is inconceivable that the Respondent registered the disputed domain name without full knowledge of the Complainant’s mark.

Second, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Website by creating a likelihood of confusion with the Complainant’s TEREА trademark as to source, sponsorship, affiliation, or endorsement, within the meaning of paragraph 4(b)(iv) of the Policy. The

Respondent did not merely register a confusingly similar domain name; it constructed a Website designed to simulate an official or authorized TEREА/IQOS sales platform for the Turkish market, using the Complainant's product imagery, and a misleading copyright notice. The absence of a disclaimer as to the lack of relationship with the Complainant further supports a finding of bad faith and illegitimate intent. [WIPO Overview 3.1](#), section 3.4.

Third, the intentional nature of the misspelling is confirmed by the Website's own copyright notice, which correctly spells the TEREА mark. This deliberate discrepancy between the disputed domain name and the Website's content demonstrates that the Respondent chose the misspelling likely to attract users looking for the Complainant and/or to evade detection while trading on the Complainant's goodwill. [WIPO Overview 3.1](#), section 3.1.4..

Finally, and noting the overall circumstances of the case, the Respondent's initial use of a privacy service to conceal its identity is an additional factor supporting a finding of bad faith. [WIPO Overview 3.1](#), section 3.6.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <treasigara.com> be transferred to the Complainant.

/Francisco Castillo-Chacón/

Francisco Castillo-Chacón

Sole Panelist

Date: September 23, 2026