ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. dsfdsfdf dsfadsfdsf, dfsdsfd
Case No. D2026-3344

1. The Parties

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

The Respondent is dsfdsfdf dsfadsfdsf, dfsdsfd, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <turkeyiluma.com> is registered with Wix.com Ltd. (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 August 6, 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, dfsdsfd) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 August 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 August 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 9, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on September 14, 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

According to information in the Complaint, the Complainant is a member of the group of companies affiliated to Philip Morris International Inc., being a leading international tobacco and smoke-free products company, with products sold in approximately 180 countries. One of the products the Complainant's group developed is a tobacco heating system called IQOS, which is a controlled heating device into which specially designed tobacco sticks under the brand names HEETS, HEATSTICKS, DELIA, LEVIA or TEREA are inserted and heated to generate a flavourful nicotine-containing aerosol. The IQOS system is available in key cities in around 84 markets across the world, and approximately 33 million relevant consumers are using the Complainant's smoke-free products, including the IQOS system worldwide. There are six versions of the IQOS heating device currently available, which include IQOS ILUMA and IQOS ILUMA i.

The Complainant is the holder of a number of trademarks for HEETS, IQOS or ILUMA, including the International trademark HEETS (word) No. 1326410, registered on July 19, 2016, designating goods in international classes 9, 11 and 34; the International trademark IQOS (word) No. 1218246, registered on July 10, 2014, designating goods in international classes 9, 11 and 34; the International trademark ILUMA (word) No. 1764390, registered on October 12, 2023, designating goods in international class 34; or the Türkiye trademark ILUMA (word) No. 128833, registered on September 22, 2020, designating goods in international classes 9 and 34.

The disputed domain name was registered on October 10, 2025 and it resolves to an online shop offering for sale IQOS ILUMA and related products (using the Turkish language and pricing the products in TRY) alongside presenting products of competitors, and using a number of the Complainant's official product images.

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 the disputed domain name is confusingly similar to the ILUMA trademark registrations of the Complainant as it identically incorporates the Complainant's highly distinctive ILUMA trademarks. The addition of the geographic indication "turkey" does not eliminate the risk of confusion because the trademark remains clearly recognizable within the disputed domain name. On the contrary, the inclusion of a geographic indicator – such as a country, city, or region name – often reinforces the association with the trademark owner by suggesting an official local presence, affiliate, or regional branch of the brand. This unlawful association is exacerbated by the use of the Complainant's official product images without the Complainant's authorization.

With respect to the second element of the Policy, the Complainant argues that the Respondent is not known or in any way related to the Complainant and is not authorized to use the ILUMA trademark. The website at the disputed domain name is linked to an online shop allegedly selling and offering the Complainant's ILUMA and TEREA products. The Complainant submits that the shop name directly references ILUMA, which is the branded name of the IQOS ILUMA devices adding the geographical name "turkey" which is simply descriptive of the market of interest and further suggests that the online shop is a specialized or flagship-style store fully dedicated to this product category in or for Türkiye. Further, the Complainant contends that the website at the disputed domain name is provided in Turkish and indicates all prices in the TRY, which clearly indicates that the said website is directed to that country, but the Complainant's IQOS / IQOS ILUMA devices and TEREA / HEETS tobacco products are not currently sold in Türkiye. Further, the website at the disputed domain name also promotes third party competing products of other commercial origin alongside the Complainant's products. In addition, the Complainant contends that the website at the disputed domain name is using a number of the Complainant's official product images without its authorization. Further, the website at the disputed domain name does not disclose any verifiable information regarding the identity of the operator, its corporate status, or its authorization to sell ILUMA products, nor IQOS, TEREA or HEETS products. Therefore, the Complainant contends that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Respondent's behaviour shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant.

As regards the third element, the Complainant contends that ILUMA (as well as IQOS, HEETS or TEREA) is purely imaginative and unique to the Complainant and is not commonly used to refer to tobacco products. It is therefore beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name, without the intention of invoking a misleading association with the Complainant. The Complainant further submits that the Respondent registered the disputed domain name with the intention to attract, for commercial gain, Internet users to the website at the disputed domain name by creating a likelihood of confusion with the Complainant's registered ILUMA trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy. The Complainant submits that the absence of any information regarding the entity managing the website at the disputed domain name and the use of wordings such as "IQOS Sales", "IQOS Cigarette", "IQOS Sales site", "IQOS customer support" are clearly intended to create the impression that such website is an official, authorized, or otherwise endorsed source of the Complainant's products.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this 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". Likewise, paragraph 10(d) of the Rules, provides that "the Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. WIPO Overview 3.1, section 4.3.

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 trademark ILUMA for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

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 terms (here, "turkey") 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.

There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Rather, according to the unrebutted record, the website at the disputed domain name allegedly offers for sale the Complainant's branded goods, reproducing the Complainant's trademark and logo, displaying official product images and marketing materials of the Complainant without authorization, as well as referring to competing third party products. While the genuine nature of the goods allegedly offered is unclear, it is not necessary for the Panel to reach such conclusion given the lack of a disclaimer on the website at the disputed domain name as to its relationship with the trademark owner or the lack thereof, which falsely suggests to Internet users that the website to which the disputed domain name resolves is owned by the Complainant or at least affiliated to the Complainant, contrary to the fact. (see the "Oki data test" outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903). The overall impression of the website to the Internet users is that the website is endorsed or at least somehow related with the Complainant. This cannot amount in the Panel's view to a bona fide offering of goods or services within the meaning of paragraphs 4(c)(i) of the Policy.

Given also the nature of the disputed domain name, that includes the Complainant's ILUMA trademark in its entirety together with a geographical term, and therefore carries a risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant, such use does not confer in the Panel's view rights or legitimate interests to the Respondent. WIPO Overview 3.1, section 2.5.1.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

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.

According to the unrebutted assertions of the Complainant, its trademarks were widely used in commerce well before the registration of the disputed domain name. The disputed domain name is confusingly similar with the Complainant's trademarks, and it resolves to a website reproducing the Complainant's trademarks and purportedly offering for sale the Complainant's products, while also mentioning and redirecting to competing third party products. Under these circumstances, it is reasonable to infer that the Respondent has registered the disputed domain name with knowledge of the Complainant's trademarks, and to target those trademarks.

The disputed domain name is also being used in bad faith. The implied connection with the Complainant and the alleged offering for sale of the Complainant's products, for which as per the unrebutted statements of the Complainant, the Respondent has no authorization is indicative of bad faith use. The website at the disputed domain name appeared to deliberately mislead Internet users that they are connected to, authorised by, or affiliated with the Complainant, as it displayed the Complainant's trademark, logo, and the Complainant's product images, ostensibly offering the Complainant's products without any disclaimer on the website regarding the relationship between the Respondent and the Complainant or lack thereof. In these circumstances, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, by misleading Internet users into believing that the Respondent's website and the products offered for sale on them are those of or authorised or endorsed by the Complainant.

Panels have held that the use of a domain name for illegal activity, such as, as claimed here, passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Moreover, the Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions or provide any evidence of actual or contemplated good faith use. Furthermore, the Respondent has provided what appears to be a false identity in the registration record for the disputed domain name. In the present case it contributes to the accumulation of elements pointing to bad faith registration and use.

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 <turkeyiluma.com> be transferred to the Complainant.

/Mihaela Maravela/
Mihaela Maravela
Sole Panelist
Date: September 21, 2026