

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Somke HK, TF hk
Case No. D2026-3362

1. The Parties

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

The Respondents are Somke HK, Hong Kong, China, and TF hk, Hong Kong, China.

2. The Domain Names and Registrars

The disputed domain names <heatstickhk.com> and <tereashops.com> are registered with Dynadot Inc. The disputed domain name <marlboro-shop.com> is registered with NameSilo, LLC (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2026. On July 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 2, 2026, and August 4, 2026, the Registrars transmitted by email to the Center respectively their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Dynadot Privacy Service) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 4, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed the first amended Complaint on August 7, 2026, and filed the second amended Complaint on August 12, 2026.

The Center verified that the Complaint together with the amended Complaints 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 Respondents of the Complaint, and the proceedings commenced on August 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on September 3, 2026.

The Center appointed Igor Alfiorov as the sole panelist in this matter on September 7, 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 trademarks and brand names HEETS, HeatSticks, DELIA, LEVIA, and TERE. The Complainant is the owner of an extensive global portfolio of registered trademarks for the mentioned trademarks.

The specific registered trademark registrations directly relevant to the disputed domain names in this proceeding include:

- The trademark MARLBORO, under International Registration No. 1023145, registered on September 28, 2009;
- The trademark TERE under International Registration No. 1765887, registered on October 19, 2023;
- The trademark TERE under Chinese Registration No. 43074545, registered on October 14, 2021; and
- The trademark HEATSTICKS, under International Registration No. 1217386, registered on July 21, 2014.

The disputed domain names <tereashops.com>, <heatstickhk.com> and <marlboro-shop.com> were registered on November 12, 2025, December 31, 2025, and February 11, 2025, respectively. At the time of filing the Complaint, the disputed domain names resolved to active websites proposing the sale of tobacco and heated tobacco products, prominently displaying the Complainant’s registered trademarks, logo designs, and product images. At the date of this Decision, the disputed domain name <heatstickhk.com> is inactive and no longer resolves to an active website, whereas the disputed domain names <tereashops.com> and <marlboro-shop.com> continue to resolve to active online shops.

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.

First, the Complainant asserts that the disputed domain names are confusingly similar to its registered trademarks:

- The disputed domain name <heatstickhk.com> incorporates the HEATSTICKS mark in its entirety alongside the geographical abbreviation “hk” (Hong Kong, China);
- The disputed domain name <tereashops.com> incorporates the TERE mark in its entirety with the descriptive term “shops”; and
- The disputed domain name <marlboro-shop.com> incorporates the famous MARLBORO mark in its entirety with the addition of the generic, descriptive term “shop”.

According to the Complainant, the addition of the descriptive and geographical terms does not prevent confusing similarity.

Secondly, the Complainant submits that the Respondents possess no rights or legitimate interests in the disputed domain names. The Respondents are not licensed, authorized, or otherwise permitted to register or use the Complainant’s trademarks. The Respondents are not commonly known by the disputed domain names and are not making a legitimate noncommercial or fair use of them. The Complainant argues that the Respondents’ use of the disputed domain names for commercial websites do not constitute a bona fide offering of goods or services under the *Oki Data* test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) because the websites prominently display the Complainant’s trademarks and official product images without authorization, fail to disclose the lack of relationship with the trademark owner, and have been used to offer and promote third-party products of other commercial origins, including competing tobacco and electronic cigarette brands.

Third, the Complainant asserts that the disputed domain names were registered and are being used in bad faith. The Respondents registered the disputed domain names with full knowledge of the Complainant’s famous and distinctive trademarks to mislead consumers for commercial gain. The Respondents used the disputed domain names to intentionally attract Internet users to their websites 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. Moreover, the Complainant also points out that the Respondent TF hk has engaged in a pattern of bad faith conduct, having previously targeted the Complainant’s brands through similar registrations.

B. Respondents

The Respondents did not reply to the Complainant’s contentions.

6. Discussion and Findings

6.1. Consolidation: Multiple Respondents

The Complainant filed a Complaint requesting the consolidation of the disputes against nominally different domain name registrants under paragraph 10(e) of the Rules. The disputed domain name registrants did not comment on the Complainant’s request.

In addressing the Complainant's request, the Panel considers whether (i) the disputed domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all Parties in accordance to WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.11.2.

The Panel notes that the case record and Registrar verification details reveal clear commonalities across the disputed domain names indicating common control, namely:

- **Shared Registrant Email Address:** The Registrar's verification details confirm the use of the same underlying email address in the registrant's contact details across the disputed domain names;
- **Identical Contact Details on the Websites:** The contact email address listed on each of the active websites associated with the disputed domain names is identical; and
- **Highly Similar Websites:** The websites provided under the disputed domain names are highly similar (near identical) to one another, sharing identical layout templates, design structures, and targeting patterns (specifically, displaying the identical "TEREA IQOS" designation at the top of the websites).

These factors sufficiently demonstrate that the disputed domain names are subject to common control. Furthermore, the Panel finds that consolidation is fair, equitable, and procedurally efficient to all Parties. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Issues

A. Identical or Confusingly Similar

The Panel finds that the Complainant has established rights in the TEREА, HEATSTICKS, and MARLBORO trademarks through its numerous registrations.

The Complainant's marks are recognizable within the disputed domain names. The disputed domain name <heatstickhk.com> incorporates the HEATSTICKS trademark (the letter "s" is omitted) with the term "hk"; <tereashops.com> incorporates the TEREА trademark with the term "shops"; and <marlboro-shop.com> incorporates the MARLBORO mark with the term "shop". Accordingly, the disputed domain names are confusingly similar to the marks in which the Complainant has rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

It is well established that the addition of terms to a trademark in a domain name does not prevent a finding of confusing similarity under the first element ([WIPO Overview 3.1](#), section 1.8). The generic Top-Level Domain ".com" is a standard technical requirement and is disregarded under the first element confusing similarity test ([WIPO Overview 3.1](#), section 1.11).

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 Panel finds that the Complainant has established an un rebutted prima facie case. The Respondent is not affiliated with or authorized by the Complainant, has not been licensed to use any of the Complainant’s marks, and is not commonly known by any of the disputed domain names.

Furthermore, the Respondent’s use of the disputed domain names to operate online stores does not constitute a bona fide offering of goods or services under the established *Oki Data* test ([WIPO Overview 3.1](#), section 2.8.1). In particular, according to the case record, the websites under the disputed domain names have not only proposed the sale of the Complainant’s products but have also offered and promoted third-party products of other commercial origins, including competing tobacco and electronic cigarette brands.

To rely on the *Oki Data* safe harbor as a reseller or distributor, a respondent must meet several cumulative requirements, including the condition that the website must be used to sell only the trademarked goods of the complainant ([WIPO Overview 3.1](#), section 2.8.1). By offering and promoting competing third-party products on the websites, the Respondent fails this essential requirement, which in itself is sufficient to exclude any claim to a legitimate interest or a bona fide offering of goods. This failure is compounded by the fact that the websites prominently display the Complainant’s trademarks and product images without any disclaimer disclosing the lack of relationship with the trademark owner, thereby creating a false impression of official affiliation.

Under [WIPO Overview 3.1](#), section 2.13.1, panels categorically hold that the use of a domain name for illegitimate activity, such as passing off, can never confer rights or legitimate interests on a respondent.

The Respondent did not file a response to contest these facts.

Therefore, the Panel finds that 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 ([WIPO Overview 3.1](#), section 3.2.1).

In light of the Respondent’s unauthorized use of the Complainant’s highly distinctive and famous trademarks and the nature of the Respondent’s websites, which offer the Complainant’s products for sale on unauthorized sites, the Panel is in no doubt that the Respondent had the Complainant and its rights in the trademarks in mind when registering the disputed domain names. As established in prior decisions, where a respondent is fully aware of a famous trademark and registers confusingly similar domain names with the clear intention to benefit from its reputation and commercially attract users to an online store by creating confusion, such conduct represents a paradigm case of bad faith registration and use under paragraph 4(b)(iv) of the Policy. This is further demonstrated by the Respondent’s use of a false copyright notice on the resolving websites to create an artificial appearance of legitimacy ([WIPO Overview 3.1](#), section 3.2.1).

The Panel considers that the Respondent registered and used the disputed domain names 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 marks for commercial gain.

Furthermore, the Panel considers that the Complainant has demonstrated a clear pattern of abusive registrations by the Respondent. The case record contains uncontested evidence that the same underlying actor (associated with the same email and the name "TF hk") previously registered <iqos-smoke-au.com> and <terea-shop.com>, as well as <iqos-tfhk.com>, targeting the Complainant's brands (see, e.g., *Philip Morris Products S.A. v. TF hk*, WIPO Case No. [D2025-5108](#), and *Philip Morris Products S.A. v. TF hk*, WIPO Case No. [D2025-2667](#)). This established pattern of registering trademark-abusive domain names further confirms bad faith under paragraph 4(b)(ii) of the Policy ([WIPO Overview 3.1](#), section 3.1.2).

Finally, the Respondent did not file a formal response or contest any of the Complainant's claims. This failure to participate in the proceeding, combined with the clearly target-oriented nature of the registrations and the evident targeting of the Complainant's distinctive trademarks, leads the Panel to conclude that the disputed domain names were registered and are being used in bad faith.

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 names <heatstickhk.com>, <marlboro-shop.com>, and <tereashops.com> be transferred to the Complainant.

/Igor Alfiorov/

Igor Alfiorov

Sole Panelist

Date: September 21, 2026