

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Umut Can Ergin
Case No. D2026-3368

1. The Parties

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

The Respondent is Umut Can Ergin, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <ilumaistanbul.com> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the "Registrar").

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 name. On July 31, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 31, 2026.

The Center appointed William Lobelson as the sole panelist in this matter on September 2, 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 Philip Morris Products S.A., a leading international tobacco products company.

It uses and owns the trademark ILUMA, in relation with a heated tobacco and smoke free tobacco stick products.

The trademark is protected through a number of registrations, inter alia:

- International Trademark ILUMA No. 1764390 registered on October 12, 2023.

- Turkish registration ILUMA No. 2019 128833 registered on September 22, 2020.

The disputed domain name was registered on March 31, 2026. It resolves to an online shop website that targets Turkish consumers, where tobacco products are offered for sale under various the Complainant's trademarks (such as IQOS or TEREA). The Complainant's mark ILUMA appears on various locations of the website, including on the top page, information tab, page bottom, etc. It also features a number of the Complainant's official images and marketing materials reflecting the mark ILUMA, thus purporting to be an official and authorized dealer of the Complainant. The Respondent's web site does not contain any mandatory legal information identifying the entity that operates the same, but a mention "Premier IQOS Iluma retailer in Turkey since 2018", which the Complainant alleges to be deceptive.

The Complainant has specified that its brands IQOS and TEREA are not distributed in Türkiye, and claims that the Respondent has not been authorized to use its marks and sell its products.

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 its earlier trademark, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

Notwithstanding the default of the Respondent, it remains incumbent on the Complainant to make out its case in all respects under the Rules set out in paragraph 4(a) of the Policy. Namely, the Complainant must prove that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (paragraph 4(a)(i));

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name (paragraph 4(a)(ii)); and

(iii) the disputed domain name has been registered and is being used in bad faith (paragraph (a)(iii)).

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.

Although the addition of other terms, here "Istanbul", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

The Panel finds that the record does not establish any circumstances giving rise to rights or legitimate interests of the Respondent in respect of the disputed domain name.

In particular, the record supports the following findings:

(i) there is no evidence that, before any notice of the dispute, the Respondent used, or made demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy and section 2.2 of the [WIPO Overview 3.1](#);

(ii) there is no evidence that the Respondent, whether as an individual, business, or other organization, has been commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy and section 2.3 of the [WIPO Overview 3.1](#);

(iii) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraph 4(c)(iii) of the Policy and section 2.4 of the [WIPO Overview 3.1](#); and

(iv) the record discloses no other circumstances that would support a finding of rights or legitimate interests on the part of the Respondent.

The disputed domain name resolves to a website through which the Respondent offers tobacco accessories and products purporting to be products of the Complainant offered under the trademark. To the extent that the products offered through the Respondent's website are not genuine products of the Complainant, the Respondent's use of the disputed domain name cannot give rise to rights or legitimate interests. Rather, such use would involve the unauthorized use of the Complainant's trademark in connection with the offering of potentially counterfeit goods.

The Panel further finds that, even if the products offered through the Respondent's website were genuine products, this would not, in itself, establish rights or legitimate interests in the disputed domain name. The principles applicable to the use of a domain name by a reseller of trademarked goods were established in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and are reflected in section 2.8 of the [WIPO Overview 3.1](#).

Under the "Oki Data test", a reseller or distributor using a domain name incorporating a complainant's trademark may, in appropriate circumstances, establish a bona fide offering of goods or services, and hence a legitimate interest in the domain name, where the following cumulative requirements are met:

(i) the respondent must actually be offering the goods or services at issue;

(ii) the respondent must use the website to sell only the trademarked goods or services;

(iii) the website must accurately and prominently disclose the respondent's relationship with the trademark holder; and

(iv) the respondent must not seek to "corner the market" in domain names reflecting the trademark.

In the present case, the Panel finds that the disputed domain name does not satisfy the requirements of the Oki Data test. In particular, the website does not accurately and prominently disclose the nature of the Respondent's relationship with the Complainant. There is no indication that the Respondent is an independent reseller, nor that it is not an authorized dealer or otherwise affiliated with the Complainant.

To the contrary, the prominent display of the Complainant's trademark, together with the absence of any disclaimer or other information identifying the operator of the websites, creates an overall impression that the website is operated by, or are otherwise officially affiliated with, the Complainant. Such presentation is inconsistent with the requirement that a reseller accurately and prominently disclose its relationship with the trademark holder.

Accordingly, even assuming that the Respondent is offering genuine Complainant's products, the Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services for purposes of paragraph 4(c)(i) of the Policy, nor does it otherwise establish rights or legitimate interests under paragraph 4(c) of the Policy.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that 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.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the disputed domain name. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.1](#), section 3.1.4.

The Respondent registered the disputed domain name for the purposes of operating a website that pass off as official website of the Complainant allegedly offering the Complainant's products for sale. The Respondent has used the disputed domain name in connection with the sale of products, whether genuine or otherwise, without the Complainant's authorization and in competition with the Complainant.

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 <ilumaistanbul.com> be transferred to the Complainant.

/William Lobelson/

William Lobelson

Sole Panelist

Date: September 7, 2026