ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. 胡佳宇 (HuJiaYu), 上海仁续电子商务有限公司 (Shang Hai Ren Xu Dian Zi Shang Wu You Xian Gong Si)
Case No. D2026-3510

1. The Parties

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

The Respondent is 胡佳宇 (HuJiaYu), 上海仁续电子商务有限公司 (Shang Hai Ren Xu Dian Zi Shang Wu You Xian Gong Si), China.

2. The Domain Name and Registrar

The disputed domain name <iqsss.com> is registered with Xin Net Technology Corporation (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 7, 2026. On August 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 11, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 in English on August 13, 2026.

On August 11, 2026, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On August 13, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's request.

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 in Chinese and English 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 Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 13, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on September 15, 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 an affiliate of Philip Morris International Inc. ("PMI"), a tobacco and smoke-free products company. PMI has developed and sells a controlled heating device (known as an "IQOS device") into which specially designed tobacco sticks under brands such as ILUMA, LEVIA, SENTIA and TEREA are inserted and heated (collectively known as the "IQOS system"). The IQOS system was launched in Japan in 2014 and is now available in over 70 markets around the world, although not in China. The Complainant holds trademark registrations in multiple jurisdictions, including the following:

- International trademark registration number 1218246 for IQOS, registered on July 10, 2014, designating multiple jurisdictions;

- Chinese trademark registration number 16314286 for IQOS, registered on May 14, 2016; and

- International trademark registration number 1338099 for a figurative IQOS mark, registered on November 22, 2016.

The above trademark registrations are current. PMI also uses the domain name <pmi.com> in connection with a website where it provides information about itself, its group and its products.

The Respondent is a Chinese company and its contact person. The company's name may be translated as "Shanghai Renxu E-Commerce Co., Ltd".

The disputed domain name was registered on June 27, 2023. It resolves to a website primarily in Chinese that displays the Complainant's figurative IQOS mark and purportedly offers a range of the Complainant's IQOS devices for sale. Prices are in CNY. The website also displays images of the Complainant's IQOS ILUMA, IQOS TEREA, IQOS LEVIA, IQOS SENTIA and IQOS MARLBORO tobacco sticks, and offers for sale cleaner sets branded with IQOS. A page on the website provides a brief introduction to the IQOS system. A notice reserves the copyright of "IQOS (中国) 官网旗舰店 IQOS 日本官网旗舰店" (meaning "IQOS (China) official web flagship store IQOS Japan official web flagship store"). The favicon is an image of an IQOS device, shown alongside the name "IQOS 东京精品官网旗舰店" (meaning "IQOS Tokyo premium official web flagship store").

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 IQOS mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not known or in any way related to the Complainant or any PMI affiliate and is not authorized to use the IQOS marks or any other mark of the PMI group.

The disputed domain name has been registered and is being used in bad faith. The Respondent started offering the Complainant's IQOS products immediately after registering the disputed domain name. The term "iqos" (as well as "terea", "iluma", "levia" and "sentia") is purely imaginative and unique to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the website associated with the disputed domain name contains several product descriptions in English, from which it can be reasonably inferred that the Respondent is able to communicate in that language.

Despite the Center having sent an email regarding the language of the proceeding, and the written notification, in both Chinese and English, the Respondent did not comment on the Complainant's request or indicate any interest in otherwise participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements:

(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 burden of proof of each element is borne by the Complainant.

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. See WIPO Overview 3.1, section 1.7.

The Complainant has shown rights in respect of an IQOS trademark for the purposes of the Policy. See WIPO Overview 3.1, section 1.2.1.

The disputed domain name incorporates most of the IQOS mark, omitting only the letter "o", while it also triples the letter "s". Despite these differences, the disputed domain name contains sufficiently recognizable aspects of the mark. The only other element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See WIPO Overview 3.1, sections 1.7, 1.9, and 1.11.1.

Therefore, 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. See WIPO Overview 3.1, section 2.1.

In the present case, the disputed domain name resolves to a website that is presented as an official flagship online store of the Complainant, displaying the figurative IQOS mark and purportedly offering for sale the Complainant's IQOS devices. However, the Complainant submits that the Respondent is not known or in any way related to the Complainant or any PMI affiliate and is not authorized to use the IQOS marks or any other mark of the PMI group. These circumstances indicate that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods and services, nor that it is making a legitimate noncommercial or fair use of the disputed domain name. Moreover, the website offers for sale cleaner sets branded with the Complainant's IQOS mark, even though the Complainant does not sell such products. Panels have held that the use of a domain name for illegitimate activity, such as passing off and sale of counterfeit goods, as here, can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.1, section 2.13.1.

Further, the Registrar has verified that the Respondent's personal name is "胡佳宇 (HuJiaYu)" and its company name is "上海仁续电子商务有限公司 (Shang Hai Ren Xu Dian Zi Shang Wu You Xian Gong Si)", which may be translated as "Shanghai Renxu E-Commerce Co., Ltd", none of which resembles the disputed domain name. Nothing on the record indicates that the Respondent is commonly known by the disputed domain name.

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.

Based on the record, 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 fourth circumstance is as follows:

"(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] web site or location."

In the present case, the disputed domain name was registered in 2023, after the Complainant registered its IQOS mark, including in China, where the Respondent is based. The website associated with the disputed domain name displays the Complainant's figurative IQOS mark and images of the Complainant's IQOS devices and IQOS tobacco sticks, and also provides a brief introduction of the IQOS system. In light of these circumstances, the Panel finds that the Respondent knew of the Complainant and its IQOS mark at the time when it registered the disputed domain name.

As regards, use, the disputed domain name resolves to a website that is falsely presented as an official web flagship store of the Complainant, purportedly offering for sale the Complainant's IQOS products, as well as counterfeit cleaner products. Accordingly, the Panel finds that, by using the disputed domain name, 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 IQOS mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and of the products on that website, within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 <iqsss.com> be transferred to the Complainant.

/Matthew Kennedy/
Matthew Kennedy
Sole Panelist
Date: September 18, 2026