

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Francis Mingie Takwo
Case No. D2026-3608

1. The Parties

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

The Respondent is Francis Mingie Takwo, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <tobaccoheats.com> is registered with Global Domain Group LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 13, 2026. On August 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2026. The Respondent sent an email communication on October 1, 2026.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on October 5, 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 part of the group of companies affiliated to Philip Morris International Inc. and a tobacco and smoke-free products company. The Philip Morris Group also sells reduced risk products such as a tobacco heating system called IQOS, a heating device into which specially designed tobacco sticks under the brand names “Heets” are inserted and heated to generate a flavourful nicotine-containing aerosol.

The Complaint is based amongst others on the following registrations:

- HEETS (word): International trademark registration No. 1326410 registered on July 19, 2016, for goods in classes 9, 11, and 34;
- HEETS (word): United States of America registration No. 5860364 registered on September 17, 2019, for goods in class 34;
- TEREA (word): International trademark registration No. 1765887 registered on October 19, 2023, for goods in class 34.

The disputed domain name has been registered on April 7, 2026.

The uncontested evidence submitted by the Complainant establishes that the disputed domain name resolves to a web shop which holds itself out as an official retailer of the Complainant's products under the Complainant's trademarks (“Terea Official Website”), including TEREA, HEETS, DELIA, and IQOS ILUMA. The web shop further displays the Complainant's TEREA trademark prominently as its store name. In addition, the website makes use of several further trademarks owned by the Complainant, including MARLBORO and L&M, together with the Complainant's official product images, and even asserts copyright ownership in such content without authorization (“Copyright 2026 © Terea”). Moreover, the website also offers for sale third-party tobacco products. No disclaimer is shown on said website.

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:

- (1) the disputed domain name incorporates the Complainant's trademark HEETS replacing the second “e” by an “a” which leads to a phonetically identical pronunciation and anticipated by the term “tobacco”, which is descriptive of the nature of the product, namely tobacco sticks;
- (2) the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its HEETS trademark. Furthermore, 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. It is a common principle that the use of a domain name cannot be fair if it suggests an affiliation with the trademark owner. Such an affiliation is suggested in the case at hand by the following facts: (i) the disputed domain name is confusingly similar to the HEETS trademark, (ii) the website uses the Complainant's TEREA trademark as a store name and (iii) the Website further uses the Complainant's official product images without authorization, while at the same time falsely claiming copyright in this material;

(3) the Respondent, by using the disputed domain name, intentionally attempted to attract for commercial gain, Internet users to the Respondent's website, 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 website or location. Since the disputed domain name is used for an online store named after the Complainant's trademark TERE A and which is concerned with selling the Complainant's products, the Respondent was well aware of the Complainant and its trademarks.

B. Respondent

The Respondent did not submit any formal response. It merely sent an email on October 1, 2026 informing, in substance, that the website under the disputed domain name has been taken down.

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".

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain name should be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 trademarks in HEETS for the purposes of the Policy, [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name reproduces said trademark in near-identical form, substituting the second letter "e" with an "a" ("heats" instead of "heets"). The Panel notes this variation to be a rather common, obvious, or intentional misspelling ([WIPO Overview 3.1](#), section 1.9) which particularly preserves the mark's phonetic identity. Consequently, the Panel finds the mark is recognizable within the disputed domain name.

Although the addition of other terms, here "tobacco" 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.

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 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:

First, it results from the Complainant's uncontested evidence that the disputed domain name resolves to a web shop which holds itself out as an official retailer of the Complainant's products under the Complainant's trademarks (“Terea Official Website”), including TEREA, HEETS, DELIA, and IQOS ILUMA. The web shop further displays the Complainant's TEREA trademark prominently as its store name. In addition, the website makes use of several further trademarks owned by the Complainant, including MARLBORO and L&M, together with the Complainant's official product images, and even (falsely) asserts copyright ownership in such content without authorization (“Copyright 2026 © Terea”). Moreover, the website also offers for sale third-party tobacco products. No disclaimer is shown on said website. In this Panel's view, such use cannot be qualified as a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy, since such use rather capitalizes on the reputation and goodwill of the Complainant's trademarks and is therefore likely to mislead Internet users. [WIPO Overview 3.1](#), section 2.8. In particular, the Complainant's uncontested allegations demonstrate that it has not authorized the Respondent's use of the HEETS trademark for registering the disputed domain name, which is confusingly similar.

Furthermore, the Panel notes that there is no evidence in the record or Whois information showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, the Panel notes that there is no evidence in the record either showing that the Respondent might be making a noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue pursuant to paragraph 4(c)(iii) of the Policy. In particular, the disputed domain name is used for a commercial website, so a noncommercial use is excluded from the outset.

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 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. One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its 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 its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

Based on the available record, the Panel finds that these circumstances are met in the case at hand:

It results from the Complainant's documented allegations, which remain uncontested, that the disputed domain name resolves to a website which holds itself out as an official retailer of the Complainant's products under the Complainant's trademarks ("Terea Official Website"), including TEREА, HEETS, DELIA, and IQOS ILUMA. The web shop further displays the Complainant's TEREА trademark prominently as its store name. In addition, the website makes use of several further trademarks owned by the Complainant, including MARLBORO and L&M, together with the Complainant's official product images, and even asserts copyright ownership in such content without authorization ("Copyright 2026 © Terea"). Moreover, the website also offers for sale third-party tobacco products. No disclaimer is shown on said website.

For the Panel, it is therefore evident that the Respondent positively knew the Complainant's trademarks and products. It follows, and in the absence of any evidence to the contrary, that the Respondent was also aware that the disputed domain name incorporated a term confusingly similar to the Complainant's trademarks when registering it. Having registered the disputed domain name with such knowledge, and having thereafter used it to resolve to a website impersonating an official retailer of the Complainant and trading on the Complainant's marks and product imagery for commercial gain, the Panel finds that the Respondent registered and has used the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of 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 <tobaccoheats.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: October 19, 2026