

ADMINISTRATIVE PANEL DECISION

Philip Morris Brands Sàrl v. C Mia
Case No. D2026-3700

1. The Parties

The Complainant is Philip Morris Brands Sàrl, Switzerland, represented by Akran Intellectual Property, Italy.

The Respondent is C Mia, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <marlborohongkong.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 17, 2026. On August 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 20, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 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 25, 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 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 15, 2026.

The Center appointed Rachel Tan as the sole panelist in this matter on September 24, 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 Brands Sàrl, a company within the group of companies affiliated with Philip Morris International Inc. (collectively, “PMI”). The Complainant forms part of an international tobacco and smoke-free products group, with products sold in approximately 180 countries. The Complainant’s brand portfolio includes MARLBORO, a cigarette brand since 1972, as well as IQOS, a tobacco heating system first launched in Nagoya, Japan in 2014 and currently available in many cities across approximately 84 markets.

The Complainant owns numerous trademark registrations for MARLBORO trademark, including:

- International Trademark  Registration No. 1237450, registered on December 17, 2014, in class 34;
- Hong Kong, China trademark  MARLBORO Registration No. 301325240, registered on January 4, 2010, in class 34; and
- Hong Kong, China trademark  MARLBORO Registration No. 301438056, registered on April 26, 2010, in class 34.

The Respondent is reportedly based in Hong Kong, China. The disputed domain name was registered on June 16, 2026. Presently, the disputed domain name resolves to an inactive website. According to the Complainant’s evidence, the disputed domain name previously resolved to a website that displayed the Complainant’s MARLBORO trademark and the Complainant’s official product images. The website purportedly offered the Complainant’s MARLBORO and TEREА products and IQOS ILUMA devices, together with competing third-party products, including products marketed under the Mevius, Black Devil, and Lucky Strike brands.

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 Complainant’s MARLBORO trademark. The disputed domain name reproduces the Complainant’s MARLBORO trademark in its entirety, together with a geographical term “hong kong”. The additional geographical term does not eliminate the risk of confusion when the MARLBORO trademark remains clearly recognizable within the disputed domain name. The generic Top-Level Domain (“gTLD”) “.com” is a standard registration requirement and is disregarded under the first element confusing similarity test.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or otherwise permitted the Respondent to use the MARLBORO trademark. The Respondent’s use of the disputed domain name creates the false impression that the disputed domain name and the associated website are operated by, endorsed by, or otherwise affiliated with the Complainant, which demonstrates the Respondent’s intention to obtain unfair commercial gain therefrom. In addition, the Respondent is not an authorized reseller of the Complainant.

The Complainant finally contends that the Respondent’s use of the disputed domain name indicates that the Respondent knew the Complainant and its MARLBORO trademark when registering the disputed domain name. It is implausible that the Respondent registered the disputed domain name by coincidence, without

intending to invoke a misleading association with the Complainant. By reproducing the Complainant's MARLBORO trademark in the disputed domain name, the Respondent has intention to mislead Internet users into believing that the disputed domain name and the associated website are connected or otherwise affiliated with the Complainant. The Respondent's use of the disputed domain name attempts to attract, for commercial gain, Internet users to the website associated with the disputed domain name by creating a likelihood of confusion with the Complainant's MARLBORO trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location. Such conduct constitutes registration and use of the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

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 the MARLBORO trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The gTLD ".com" as a standard registration requirement may be disregarded in the assessment of confusing similarity under the Policy. [WIPO Overview 3.1](#), section 1.11.1.

The disputed domain name incorporates the entirety of the Complainant's MARLBORO trademark. While the term "hongkong" is included, the Complainant's MARLBORO trademark remains clearly recognizable in the disputed domain name. The Panel finds that the addition of the term "hongkong" does not prevent a finding of confusing similarity between the disputed domain name and the MARLBORO trademark. Accordingly, the disputed domain name is confusingly similar to the Complainant's MARLBORO trademark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7 and 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.

The information in the case files shows that:

- the Respondent is not affiliated with the Complainant and has not been authorized to use the Complainant's MARLBORO trademark in any form;
- there is no evidence proving that the Respondent holds any trademark rights corresponding to the disputed domain name, or has been commonly known by the disputed domain name;
- the disputed domain name previously resolved to a website that displayed the Complainant's MARLBORO trademark and the Complainant's official product images. The website purportedly offered the Complainant's MARLBORO and TEREA products and IQOS ILUMA devices, without prominently and accurately disclosing the absence of relationship between the Parties. Additionally, the website also purportedly offered competing third-party products, including products marketed under the Mevius, Black Devil, and Lucky Strike brands. Such use of the disputed domain name indicates the Respondent's intention to divert Internet traffic to the website associated with the disputed domain name by misleading Internet users into believing that the website associated with the disputed domain name is connected with the Complainant, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- the composition of the disputed domain name, incorporating the Complainant's MARLBORO trademark, together with the geographical term "hongkong" where the Complainant operates, carries a risk of implied affiliation with the Complainant. When considered alongside the Respondent's previous use of the disputed domain name, it supports a finding of the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant's MARLBORO trademark as to the origin or affiliation of the website associated with the disputed domain name; and
- no other factors demonstrate any rights or legitimate interests of the Respondent in 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.

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.

In the present case, the Panel notes that the Complainant obtained the trademark registration for MARLBORO as early as January 4, 2010, which significantly predates the registration date of the disputed domain name (June 16, 2026). According to the Complainant's evidence, the Panel accepts that the Complainant and its MARLBORO trademark have gained a certain degree of reputation and recognition in the tobacco industry through its extensive use and advertising. The Respondent registered the disputed domain name that fully incorporates the Complainant's MARLBORO trademark, together with the geographical term "hongkong" where the Complainant operates and resolved it to a website displaying the Complainant's MARLBORO trademark, the Complainant's official product images, and purportedly offering the Complainant's products, together with competing third-party products. Given these circumstances, the Panel determines that the Respondent had actual knowledge of the Complainant and its MARLBORO trademark at the time of registering the disputed domain name, and bad faith is found.

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.

The disputed domain name resolves to an inactive website at the time of this Decision but was previously used to host a website displaying the Complainant's MARLBORO trademark, the Complainant's official product images, and purportedly offering the Complainant's products, together with competing third-party products. The Panel holds that by selecting a domain name confusingly similar to the Complainant's MARLBORO trademark, and using it in the manner as described, the Respondent obviously intended to attract, for commercial gain, Internet users to the disputed domain name and the associated website by creating a likelihood of confusion with the Complainant's MARLBORO trademark as to the source, sponsorship, affiliation, or endorsement of the website associated with the disputed domain name. The current non-use of the disputed domain name does not change the Panel's finding of the Respondent's bad faith.

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 <marlborohongkong.com> be transferred to the Complainant.

/Rachel Tan/

Rachel Tan

Sole Panelist

Date: October 6, 2026