

ADMINISTRATIVE PANEL DECISION

Philip Morris Brands Sàrl v. 哲 高, 高哲
Case No. D2026-3705

1. The Parties

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

The Respondent is 哲 高, 高哲, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <marlborohk.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 19, 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 21, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 26, 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 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2026.

The Center appointed Sok Ling MOI as the sole panelist in this matter on September 23, 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., which is one of the world's leaders in manufacturing and selling tobacco products. In seeking to transform its business from combustible cigarettes, the Philip Morris Group of companies developed and launched the IQOS heating device, which allows specially designed tobacco products to be inserted and heated to generate a flavourful nicotine containing aerosol. The IQOS system also consists of an IQOS pocket charger specially designed to charge the IQOS holder (collectively referred to as "the IQOS product"). The IQOS product was first launched in Japan in 2014, and is now available for sale almost exclusively through official IQOS stores, websites and authorized distributors and retailers in 84 markets across the world, with approximately 33 million consumers.

The Philip Morris Group's brand portfolio includes the popular cigarette brand "Marlboro" launched in 1972, and the tobacco sticks brands of "Heets", "HeatSticks", "Delia", "Levia" and "Terea" used together with the IQOS product.

The Complainant has registered the MARLBORO trade mark in several jurisdictions around the world, including the following trade mark registrations:

Jurisdiction	Mark	Registration No.	Registration Date
International designating, inter alia, Australia, New Zealand, European Union, Japan, Republic of Korea, Singapore, China, Russian Federation	MARLBORO (figurative)	1237449	December 17, 2014
International designating, inter alia, Australia, New Zealand, Japan, Republic of Korea, Singapore, China, Russian Federation	MARLBORO (word)	1285486	December 7, 2015
Hong Kong, China	MARLBORO (word & device)	301325240	January 4, 2010
Hong Kong, China	MARLBORO (word & device)	301438056	April 26, 2010

The disputed domain name was registered on December 26, 2025. According to the evidence submitted by the Complainant, the disputed domain name resolved to a website purporting to offer for sale the Complainant's MARLBORO and TEREА tobacco products and IQOS ILUMA devices, as well as other third party tobacco products. Apart from prominently displaying the Complainant's MARLBORO trade mark across the top banner, the website also displayed product images which clearly bore the Complainant's MARLBORO, TEREА, and IQOS trade marks. The online store name was stated to be "Wan Tai Hang 萬泰行" and purported to specialize in cigarette and heated-tobacco products, offering "delivery services of top-quality genuine cigarettes from international 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 by combining the Complainant's trade mark MARLBORO and the geographical term of "hk", the disputed domain name seeks to mislead Internet users into thinking the Respondent's website is the Complainant's official distributor of MARLBORO tobacco products as well as of the IQOS system and TEREА products for Hong Kong, China ("Hong Kong"), which it is not.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of such term here, "hk", which is the acronym for Hong Kong 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](#), sections 1.7 and 1.8.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

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 Complainant has clearly established that the Respondent is not in any way affiliated with the Complainant or otherwise authorized or licensed to use the MARLBORO trade mark. The Respondent appears to be an individual by the name of "哲 高, 高哲". There is no evidence suggesting that the Respondent is commonly known by the disputed domain name or that the Respondent has any rights or legitimate interests in the term "Marlboro".

The naming structure of the disputed domain name <marlborohk.com>, which incorporates the Complainant's MARLBORO trade mark in its entirety with the term "hk", is inherently confusing and carries a risk of implied affiliation. Such composition cannot constitute fair use because it suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

The Panel notes that the Respondent is using the disputed domain name to publish a website that purports to offer the Complainant's MARLBORO, TERE, and IQOS products for sale. There does not appear to be any clear statement or disclaimer on the Respondent's website to indicate that it is, in fact, not affiliated with the Complainant. Moreover, the Respondent also offered competing tobacco products and accessories of

third parties. The Respondent would not be able to avail itself of the safe harbour defence established by the *Oki Data* case (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). [WIPO Overview 3.1](#), section 2.8.1. The Panel does not find such use to be bona fide use of the disputed domain name for the purposes of the Policy.

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. Since the Respondent has failed to respond, the prima facie case has not been rebutted. The Panel therefore finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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, there is no doubt that the Respondent was aware of the Complainant and its trade mark when it registered the disputed domain name, given that it has purported to offer the Complainant's MARLBORO, TERE, and IQOS products for sale. The Panel determines that the Respondent's purpose of registering the disputed domain name was to trade on the reputation of the Complainant and its trade marks by diverting Internet users seeking the Complainant's MARLBORO, TERE, and IQOS products and related services to its own website for financial gain. The reproduction of the Complainant's trade marks and product images on the Respondent's website without displaying a clear disclaimer of a lack of relationship between the Respondent and the Complainant, and provision of third party products on the Respondent's website is an indication of bad faith.

The Panel is satisfied that the Respondent intends to take advantage of the fame of the Complainant's trade mark to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement of the Respondent's website. As such, the Panel finds that the circumstances referred to in paragraph 4(b)(iv) of the Policy are applicable to the present case.

Furthermore, according to the evidence submitted by the Complainant, the Respondent appears to be involved in at least another UDRP dispute (*Philip Morris Products S.A. v. 哲高, 高哲*, WIPO Case No. [D2026-1085](#)) involving the domain names <iqos.vip> and <iqosvip.com>, where the panel issued a decision favorable to the Complainant, finding bad faith against the Respondent. The Respondent appears to be engaging in a pattern of cybersquatting activities. As such, the Panel finds that the circumstances referred to in paragraph 4(b)(ii) of the Policy are also applicable to the present case.

Taking into account all the circumstances, it is adequate to conclude that the Respondent has registered and is using the disputed domain name in 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 <marlborohk.com> be transferred to the Complainant.

/Sok Ling MOI/

Sok Ling MOI

Sole Panelist

Date: October 12, 2026