

ADMINISTRATIVE PANEL DECISION

Philip Morris Products S.A. v. Ianyu
Case No. D2026-3787

1. The Parties

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

The Respondent is Ianyu, Taiwan Province of China ("Taiwan").

2. The Domain Name and Registrar

The disputed domain name <iqcrack.com> is registered with Metaregistrar BV (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 25, 2026. On August 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 26, 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 28, 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 31, 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 September 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 22, 2026.

The Center appointed Willem J. H. Leppink 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 following facts are undisputed. The Complainant is a company incorporated in Switzerland and part of the Philip Morris International group of companies. The Complainant is one of the world's leading international tobacco and nicotine product companies. It is widely known for, among others, its IQOS brand of heated tobacco products, which it manufactures and commercializes worldwide. IQOS is a controlled heating device into which specially designed tobacco sticks under the name "HEETS", "HEATSTICKS", "DELIA", "LEVIA", "SENTIA" or "TEREA" are inserted and heated to generate a flavorful nicotine-containing aerosol (collectively referred to as the "IQOS System"). To date, the IQOS System has been almost exclusively distributed through the Complainant's official IQOS stores and websites and selected authorized distributors and retailers. Today the IQOS System is available in key cities in around 84 markets across the world.

The Complainant is the owner of numerous trademark registrations around the world including the element IQOS for tobacco products and electronic cigarettes, including the Taiwanese combined word / device mark IQOS registered under No. 01718976 on July 16, 2015 and the Taiwanese word mark IQOS registered under No. 02152639 on July 1, 2021 and the International Registration for the word mark IQOS registered under No. 1218246 on July 10, 2014 designating inter alia Albania; Bonaire, Saint Eustatius and Saba; Cuba; Algeria; Egypt; the European Union; and Viet Nam.

The disputed domain name was registered on November 25, 2025, and resolved at the time of filing the Complaint to an online shop allegedly selling and offering the Complainant's IQOS System, including TERE, ILUMA/MALBORO products while presenting itself as an online "ELECTRONIC CIGARETTE MALL". The Respondent called upon the Internet's user to contact via Line to purchase cigarettes. At the time of rendering this decision the disputed domain name does not resolve to an active 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 the following.

The Complainant is known for innovating across its brand portfolio and has developed the IQOS System. The IQOS System has achieved considerable international success and reputation and approximately 33 million relevant consumers are using the Complainant's smoke free products, including the IQOS System worldwide.

The website to which the disputed domain name resolved, advertised contacting the Respondent by Line to purchase e-cigarettes clearly focused on the sale of IQOS, IQOS ILUMA devices and tobacco stick bearing the TERE and MARLBORO trademarks. The website mentioned "Welcome to the IQOS heated cigarette mall site". The website was directed at the Taiwanese market, seeing that all prices are indicated in TWD, although the Complainant's IQOS System is currently not sold in Taiwan.

The disputed domain name is confusingly similar to the Complainant's IQOS trademark. The disputed domain name incorporates the element "iq", which constitutes the highly distinctive and dominant opening portion of the Complainant's registered IQOS mark. The addition of the descriptive term "crack" does not prevent a finding of confusing similarity, as it is well established in UDRP jurisprudence that the incorporation of a dominant or recognizable element of a trademark in a domain name may be sufficient to establish confusing similarity, regardless of the addition of other terms.

The addition of the term "crack" does not prevent a finding of confusing similarity. In the context of consumer electronics and technology-driven products such as the IQOS system, the term "crack" is commonly associated with bypassing, unlocking, or offering unauthorized versions of proprietary hardware or software. Under established precedent under the Policy, the addition of a generic or descriptive term to a recognizable trademark does not negate confusing similarity. Rather, in this case it exacerbates the risk of confusion by suggesting to internet users that the website offers unauthorized access to or modified versions of official IQOS products.

The Internet's user encountering the disputed domain name will immediately associate the prefix "iq" with the Complainant's well-known IQOS trademark, particularly given that the Complainant's mark is highly distinctive and has no meaning other than as a reference to the Complainant's products.

The use of the "iq" in the disputed domain name makes it immediately evident the voluntary misspelling of the IQOS mark as it is evident by looking at the overall content of the website to which the disputed domain name resolves and its particulars, starting from the tab interface of the website, being a location where the Internet's user usually expect to find the name of the online shop and/or the name of the provider of the website. Moreover, the website to which the disputed domain name resolves features the Complainant's IQOS, TERE, ILUMA and MARLBORO trademarks throughout.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its IQOS mark. The Respondent is not commonly known by the disputed domain name or in any way related to the Complainant or any of its affiliates. The Respondent is not authorized to use the IQOS trademarks or any other trademark owned by the Complainant.

The website to which the disputed domain name resolved was however clearly purporting to be an official online retailer of the Complainant's IQOS System in Taiwan, or at the very least, purporting to be an official and authorized licensee of the Complainant. First, the disputed domain name itself incorporated the Complainant's IQOS trademark without consent, thereby creating an immediate impression of affiliation. Second, the website displayed several of the Complainant's official product images without authorization, reinforcing the false impression of a commercial relationship with the Complainant. Third, these unauthorized product images were accompanied by a false copyright notice, further generating the misleading impression of official endorsement by the Complainant.

The website to which the disputed domain name resolved does not meet the requirements set out by numerous panel decisions for a bona fide offering of goods. The website to which the disputed domain name resolved, did not disclose any verifiable information regarding the identity of the operator, its corporate status, or its authorization to sell IQOS system products. The absence of transparent and mandatory legal information, combined with the unauthorized use of the Complainant's trademark, demonstrates that the Respondent has intentionally sought to mislead Internet users while concealing its true identity.

Furthermore, the Website to which the disputed domain name resolved was also offering for sale third party products and counterfeit products. Such use of the disputed domain name cannot be considered a bona fide offering of goods and does not establish a legitimate interest on behalf of the Respondent.

The disputed domain name was registered and is being used in bad faith.

It is evident from the Respondent's use of the disputed domain name that the Respondent knew of the Complainant's trademarks when registering the disputed domain name with the intention to attract, for commercial gain, internet users to the Website by creating a likelihood of confusion with the Complainant's registered IQOS trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith.

An intentional misspelling of the Complainant's trademark in the disputed domain name evidences an intent to confuse Internet users seeking the Complainant, a conclusion reinforced by the disputed domain name website's tab interface and copyright notice, which convey a false appearance of official status absent any disclosed legal entity or authorization.

Finally, the fact that the Respondent is using a privacy protection service to hide its true identity may in itself constitute a factor indicating 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the disputed domain name to be confusingly similar to the mark for the purposes of the Policy. The Panel finds on the particular facts of this case that the first two letters of the IQOS mark are reproduced in the disputed domain name and are intended to evoke the Complainant's IQOS mark. The Panel has confirmed the prima facie targeting of the Complainant's trademark through the disputed domain name by looking at the content of the website associated with the disputed domain name. [WIPO Overview 3.1](#), section 1.15.

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

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.

Panels have held that the use of a domain name for illegal activity, here, claimed as applicable to this case: passing off and the unauthorized offering of products under the Complainant's marks, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Even if the so-called Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) would be applied, the Respondent clearly fails this test as in this case, since the website to which the disputed domain name resolves does not accurately or prominently disclose the Respondent's relationship with the Complainant, in particular that it has no particular connection with the Complainant.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel refers to its considerations under sections 6.A and 6.B.

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, based on the available record, the Panel finds that the Respondent was clearly targeting the Complainant, its products and its well-known mark and thus intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Panels have also held that the use of a domain name for illegal activity here, claimed as applicable to this case: passing off and the unauthorized use of the Complainant's marks constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute bad faith under 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 <iqcrack.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: October 1, 2026