ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Philip Morris Products S.A. v. EMIR AKBAS
Case No. D2026-3934

1. The Parties

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

The Respondent is EMIR AKBAS, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <iqosalanya.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 2, 2026. On September 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 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 September 14, 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 September 18, 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 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 16, 2026.

On October 16, 2026, the Center informed the Parties that the Complaint and amended Complaint had been correctly transmitted, but the Complaint Annexes had not been correctly sent to the Respondent by email. The Center resent the Complaint Annexes with that communication and stated that the Written Notice had also been correctly resent to the Respondent.

The Center appointed Adam Taylor as the sole panelist in this matter on October 20, 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 tobacco companies affiliated with Philip Morris International, Inc.

Since 2014, the group has produced the IQOS-branded heating device, described as a "Reduced Risk Product", which is designed to be used with various Complainant tobacco products, including Terea tobacco sticks, and has approximately 33 million users worldwide. The group has invested over USD 12.5 billion into the IQOS system.

The Complainant owns many trade marks for IQOS including International Registration No. 1218246, registered on July 10, 2014, in classes 9, 11, and 34.

The disputed domain name was registered on May 1, 2026.

As of August 28, 2026, the disputed domain name resolved to a website in Turkish that was branded "IQOS ALANYA SHOP". It stated: "As Alanya's leading IQOS and Terea supplier, we deliver all IQOS ILUMA models and Terea types in 30 minutes to all regions including Mahmutlar, Oba and Konakli. 100% original product. All IQOS devices and Terea sticks are completely original". The website also displayed the Complainant's blue IQOS favicon in the browser tab, and included the Complainant's official product images.

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.

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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, "alanya") 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 recognised 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.

As to paragraph 4(c)(i) of the Policy, the Respondent is purporting to resell the Complainant's own goods. The consensus view of panels is that to establish a bona fide offering of goods or services in such circumstances, a respondent must comply with certain conditions (the "Oki Data requirements"). Cases applying the Oki Data requirements usually involve a domain name comprising a trade mark plus a descriptive term (e.g., "parts", "repairs", or "location"). The domain name itself is viewed as part of the assessment of whether the use of the mark is fair and merely referential. WIPO Overview 3.1, section 2.8.

The Oki Data requirements include the accurate and prominent disclosure of the respondent's relationship with the trade mark holder. Some panels have adopted a "holistic" approach whereby, even if there is no prominent disclaimer, other factors may clarify affiliation with the complainant, such as domain name composition, website content or other circumstances relating to the use of the domain name and/or the respondent's business. See, e.g., *KT & G Corporation, and Philip Morris Products S.A. v. Ieva Kalnina*, WIPO Case No. D2024-0555.

In this case, taking all the circumstances into account, the Panel does not consider that the Respondent has taken sufficient steps to deny affiliation with the Complainant; on the contrary, the Respondent has sought to imply a connection with the Complainant.

First, the disputed domain name consists of the Complainant's IQOS mark, plus the location "Alanya", a city in Türkiye, with nothing to indicate the possibility of a reseller-type relationship.

Second, for reasons explained under the third element below, the Respondent's website creates the impression that it is officially associated with the Complainant.

The Panel also notes that the Complainant's IQOS products are not authorised or officially offered for sale in Türkiye.

Accordingly, the Panel does not consider that the Respondent is using the disputed domain name in a bona fide manner.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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, for the following reasons, the Panel considers that the Respondent has intentionally attempted to attract Internet users to a website for commercial gain by creating a likelihood of confusion with the Complainant's trade mark in accordance with paragraph 4(b)(iv) of the Policy.

First, the disputed domain name comprises the Complainant's distinctive mark plus "Alanya", denoting activity by the Complainant in that location.

Second, the Respondent has used the disputed domain name for a website that creates the impression that it is officially associated with the Complainant including by prominent use of the Complainant's IQOS mark in the name "IQOS ALANYA SHOP", use of the Complainant's favicon, and unauthorised use of the Complainant's official product images.

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 <iqosalanya.com> be transferred to the Complainant**.**

/Adam Taylor/
Adam Taylor
Sole Panelist
Date: November 3, 2026