ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Philip Morris Products S.A. v. Sheikh Ifhan Saeed, Individual
Case No. D2026-4361

1. The Parties

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

The Respondent is Sheikh Ifhan Saeed, Individual, Belgium.

2. The Domain Name and Registrar

The disputed domain name <buyterea.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 28, 2026. On September 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 29, 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 30, 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 October 1, 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 October 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2026. The Respondent sent an email communication to the Center on October 2, 2026.

The Center appointed Knud Wallberg as the sole panelist in this matter on October 27, 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 Philip Morris Products S.A. is a company which is part of the group of companies affiliated to Philip Morris International Inc. (jointly referred to as "PMI"). PMI is a leading international tobacco and smoke-free products company, with products sold in approximately 180 countries.

For its smoke-free products the Complainant owns a large portfolio of trademarks. Among them is the following trademark registration: European Union Registration TEREA (word) No. 018165161 registered on May 22, 2020.

The disputed domain name was registered on March 5, 2026, and at the time of filing of this Complaint it was used actively for an online shop allegedly selling and offering the Complainant's TEREA, IQOS, ILUMA, HEETS, DELIA and LEVIA tobacco products. The website also contained a disclaimer both in a splash pop-up window upon landing and at the bottom of the page in small characters, stating the following:

"BUYHEETS.BE has no affiliation with Philip Morris International (PMI). This is not the official website of PMI and IQOS. ALL PRODUCTS, NAMES, TRADEMARKS AND PICTURES SUCH AS IQOS AND HEETS ARE SOLELY THE COPYRIGHT OF PMI."

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 TEREA trademark since it contains the TEREA trademark in its entirety with the addition of the generic word "buy", which is descriptive and simply indicates the commercial purpose of the website.

The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is thus not commonly known or referred to by the disputed domain name, just as the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant finally submits that the disputed domain name was registered and is being used in bad faith, since the Respondent registered and uses the disputed domain name in order to attract users to its website by creating a likelihood of confusion with the Complainant's registered TEREA trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website. The Complainant points out that the disclaimer displayed on the website does not alter the overall misleading impression created by the website, rather on the contrary since the presence of the disclaimer indicates that the Respondent was aware of the Complainant's trademark but still chose to use the disputed domain name in a way that suggested a connection with the Complainant.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions but sent an e-mail to the Center with the following content:

"What settlement would the party agree to?".

The Complainant responded to this communication in the following way:

"Dear Sir,

Thank you for your e-mail.

The Complainant wants the Disputed Domain Name to be transferred to the Complainant and to this end if you agree, the Center can provide us with a Settlement form.

Above all, the Complainant hopes that this type of infringement will not occur again in the future. To that end,
the Complainant also requests the execution of a written undertaking to refrain from any further similar conduct.

Should you wish to pursue an amicable resolution, I would be pleased to provide you with the relevant form of undertaking.

Looking forward to hearing from you."

According to the case files, the Respondent did not respond to this communication from the Complainant.

6. Discussion and Findings

According to paragraph 15(a) of the Rules the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied

(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.

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

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 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, "buy", 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.

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 Respondent without doubt had prior knowledge of the Complainant's trademark at the time of registration of the disputed domain name, just as the Panel finds that by using the disputed domain name for a website, which purports to offer genuine TEREA products, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The website at the disputed domain name includes the above cited disclaimer, but since the wording of the disclaimer identifies the operator to be "buyheets.be" and without providing further details about this operator and the possible relationship to the Respondent, the Panel finds that the disclaimer is unclear, not prominent, and therefore does not alter the finding of bad faith. WIPO Overview 3.1, section 3.7.

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 <buyterea.com> be transferred to the Complainant.

/Knud Wallberg/
Knud Wallberg
Sole Panelist
Date: November 9, 2026