

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Brands Sàrl v. Joshua Bolkema  
Case No. D2023-0110

### **1. The Parties**

The Complainant is Philip Morris Brands Sàrl, Switzerland, represented by Boehmert & Boehmert, Germany.

The Respondent is Joshua Bolkema, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <pmi-groups.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2023. On January 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 10, 2023, 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 ( Privacy service provided by Withheld for Privacy ehf)) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 12, 2023, 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 amendment to the Complaint on January 12, 2023.

The Center verified that the Complaint together with the amendment to the 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 January 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 8, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on February 23, 2023. 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 Philip Morris International Inc., a leader in the field of tobacco, which has been in operation since 1972. The Complainant promotes its business at “www.pmi.com”.

The Complainant owns trademark registrations for PMI such as:

- International trademark registration No. 956639, registered on February 7, 2008.
- Swiss trademark registration No. P-559746, registered on June 29, 2007.

The disputed domain name was registered on November 26, 2022, and is used for an email address that is in connection with fake job offers. The disputed domain name itself does not resolve to an active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Complainant owns the trademark PMI and has registered it in many countries. The disputed domain name is confusingly similar to the Complainant's trademark. The addition of descriptive, generic or geographical words is not enough to eliminate confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized or licensed by the Complainant to use its trademark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name is being used as part of a fraudulent scheme.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The use of the disputed domain name indicates that the Respondent knew of the Complainant's trademark. The Respondent is attempting to impersonate the Complainant as part of a fraudulent scheme.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The Complainant owns trademark registrations for PMI. The Panel is satisfied that the Complainant has established its ownership of the trademark PMI.

The disputed domain name incorporates the Complainant's trademark in full. The term “groups” does not alter the fact that the disputed domain name is confusingly similar to the Complainant's trademark. The generic Top-Level Domain (“gTLD”) “.com”, which is viewed as a standard registration requirement, is disregarded when assessing confusing similarity as established by prior UDRP decisions.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

## B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the domain name. Once such showing is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. In the instant case, the Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant to use its trademark.

The disputed domain name is used in connection with an email address that is being used as part of a fraudulent scheme for potential job offers. Use of the disputed domain name for illegal activity cannot confer rights or legitimate interests onto the Respondent. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.13.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Respondent should have come forward with relevant evidence proving that he has rights or legitimate interests in the disputed domain name. However, the Respondent did not rebut the Complainant's *prima facie* case.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

## C. Registered and Used in Bad Faith

At the time of registering the disputed domain name, the Respondent must have been aware of the Complainant's trademark for a number of reasons:

- (i) The Complainant and its trademark are well known.
- (ii) The trademark PMI represents the initials of the Complainant's name.
- (iii) The fake job offer carries a letterhead that replicates the logo of the Complainant, and offers a position at the Complainant.

Given the above, the Panel believes that the Respondent has registered the disputed domain name in order to impersonate the Complainant. Furthermore, the evidence submitted by the Complainant showing the use of the disputed domain name in connection with an email address that is part of a fraudulent scheme is a clear indication of bad faith. It is well accepted that the use of a domain name to perpetuate fraud constitutes bad faith use ([WIPO Overview 3.0](#), section 3.4). The use of a privacy shield is under the circumstances a further indication of bad faith.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <pmi-groups.com> be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: March 8, 2023