

## **ADMINISTRATIVE PANEL DECISION**

Philip Morris Products S.A. v. arabian heets, vape shop dubai  
Case No. D2024-4324

### **1. The Parties**

The Complainant is Philip Morris Products S.A., Switzerland, represented by D.M. Kisch Inc., South Africa.

The Respondent is arabian heets, vape shop dubai, United Arab Emirates.

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

The disputed domain name <arabianheets.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 October 21, 2024. On October 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. The same day, 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 October 23, 2024, 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 24, 2024. The Respondent sent an email communication to the Center later that day.

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 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on November 19, 2024. 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 a subsidiary of the world-famous Philip Morris International Inc, which sells tobacco and a tobacco heating system, known as IQOS, which is a precisely controlled heating device, into which specially designed tobacco sticks are inserted and heated to generate a flavourful nicotine-containing aerosol. IQOS products are now available in around 84 markets across the world, with around 33 million consumers. IQOS products are sold under a number of trademarks, including the trademark HEETS.

The HEETS trademark is widely protected by trademark registrations internationally, including International Registration number 1326410, registered on July 19, 2016, and United Arab Emirates Registration number 256864, registered on December 25, 2017.

The disputed domain name was registered on September 7, 2024, and resolves to a comprehensive website in which HEETS products are offered for sale (in connection with which the specialized lettering of the HEETS logo is employed), together with other IQOS products, and tobacco and RRP products of third parties.

#### **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 Respondent is not generally known by the disputed domain name, and that the Respondent has never received consent from the Complainant to use its HEETS trademark in connection with the registration of a domain name, or otherwise.

The Complainant contends that the disputed domain name was registered in bad faith, and is being used in bad faith.

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

The Respondent acknowledged receipt of the Complaint, but did not specifically reply to the Complainant's contentions by the due date of November 14, 2024.

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

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

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([WIPO Overview 3.0](#)), section 1.7. The mere addition of the geographical term "Arabian" in the disputed domain name does not detract from this finding.

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

## **B. Rights or Legitimate Interests**

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 Respondent does not meet the criteria for a reseller or distributor under the Oki Data test. [WIPO Overview 3.0](#), section 2.8.1.

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

## **C. Registered and Used in Bad Faith**

Having reviewed the evidence submitted in this case, the Panel is convinced that the Respondent deliberately used the Complainant's HEETS trademark in the design of the disputed domain name, for commercial purposes, taking an unfair advantage of its similarity with the HEETS trademark, which justifies a finding of registration of the disputed domain name in bad faith, and the Panel so finds.

It is well-established in prior decisions under the Policy that the use of a disputed domain name found to be confusingly similar to a complainant's trademark in connection with a website offering for sale goods competing with genuine goods traded in by the trademark proprietor constitutes use of the disputed domain name in bad faith. Having reviewed the comprehensive website operated under the disputed domain name, the Panel concludes that the website carries an obvious expectation of affiliation with the business of the Complainant's group, which justifies a finding of use in bad faith, which the Panel so finds.

The Panel finds that the third element of the Policy has been established.

## **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 <arabianheets.com> be transferred to the Complainant.

*/George R. F. Souter/*

**George R. F. Souter**

Sole Panelist

Date: December 3, 2024