

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, and Philip Morris International, Inc. v. qian xu, shenzhen wuteng technology ltd
Case No. D2025-2256

1. The Parties

The Complainants are Swedish Match North Europe AB (the “First Complainant”), and Philip Morris International, Inc. (the “Second Complainant”), United States of America, represented by D.M. Kisch Inc., South Africa.

The Respondent is qian xu, shenzhen wuteng technology ltd, China.

2. The Domain Names and Registrar

The disputed domain names <zynbrand.com>, <zyninternational.com>, and <zyn-usa.com> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 10, 2025. On June 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on June 12, 2025.

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 June 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2025. The Respondent sent an email communication to the Center on June 20, 2025.

The Center appointed Elise Dufour as the sole panelist in this matter on July 14, 2025. 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 First Complainant, Swedish Match North Europe AB, is part of the group of companies affiliated to the Second Complainant, Philips Morris International, Inc., an international tobacco company.

The First Complainant is a wholly-owned subsidiary of the Second Complainant. Founded in 1992, the First Complainant is primarily engaged in the business of manufacturing, marketing, and selling smoke-free tobacco products, including nicotine pouches marketed under the brand ZYN.

One of the First Complainant's products is the ZYN nicotine pouch brand, first launched in the United States of America ("United States") in 2016 and now available in around 40 markets across the world. The First Complainant's website is "www.swedishmatch.com", where it provides information about itself and its products, including ZYN nicotine pouches.

The First Complainant holds multiple trademark registrations, including:

- International trademark registration number 1421212 for ZYN (word) in class 34, registered on April 18, 2018, designating several jurisdictions, including China; and
- International Registration No. 1456681  for (word/device) in class 34, registered on December 27, 2018, designating several jurisdictions, including Australia, Bahrain, Switzerland, Egypt, United Kingdom, Israel, Kenya, Norway, Oman, and Philippines

The disputed domain name <zyn-usa.com> was registered on July 24, 2024, and the disputed domain names <zynbrand.com> and <zyninternational.com> were registered on July 26, 2024.

The disputed domain names are each linked to online shops (collectively referred to as the "Websites") allegedly selling and offering the Complainant's ZYN nicotine product. The Websites are in English language and display all prices in USD, clearly indicating that they are directed at a United States audience.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its registered ZYN trademark, which is protected in numerous jurisdictions, including the United States. The disputed domain names incorporate the ZYN mark in its entirety, merely adding geographical or descriptive terms such as "usa", "international", or "brand", which do not prevent a finding of confusing similarity. The Complainant emphasizes that the generic Top-Level Domain ("gTLD") is to be disregarded in the assessment and that the inclusion of the ZYN mark is sufficient to meet the first UDRP criterion.

Regarding the second element, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not authorized to use the ZYN mark and does not qualify as a bona fide reseller under the criteria established in Oki Data. The Respondent's Websites use the Complainant's logo and product images without consent and falsely present themselves as official or affiliated sources, misleading consumers and undermining any claim to fair or legitimate use.

On the third element, the Complainant submits that the Respondent registered and is using the disputed domain names in bad faith. The Respondent was clearly aware of the ZYN trademark – an arbitrary and distinctive term – and registered the disputed domain names to attract consumers by creating a likelihood of confusion with the Complainant’s brand. The use of the Complainant’s trademark, logos, and images, combined with the Respondent’s anonymity through a privacy shield, supports a finding of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

B. Respondent

On June 20, 2025, the Respondent sent an email communication stating: “do u want to purchase the domain? we plan to sell them.”

6. Discussion and Findings

A. Consolidation: Multiple Complainants

The Complaint and amended Complaint were filed by two complainants. The First Complainant is a wholly owned subsidiary of the Second Complainant. The Panel finds that the Complainants have a common grievance against the disputed domain names registrants and that it is efficient to permit the consolidation of their complaints. Therefore, the Complainants are referred to below separately and collectively as “the Complainant” except as otherwise indicated.

B. 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 names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of the ZYN trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The disputed domain names all wholly incorporate the ZYN mark as their initial element. They add other words (variously “international”, “brand”, and “usa”) but despite these additions the ZYN mark is clearly recognizable within all the disputed domain names.

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

C. 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 names.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving 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 3.0](#), 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 names. 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 names such as those enumerated in the Policy or otherwise.

More specifically:

(i) there has been no evidence adduced to show that the Respondent used the disputed domain names in connection with a bona fide offering of goods or services. The Respondent has not provided evidence or reasons to justify the choice of the term "zyn", the distinctive part of the Complainant's ZYN trademark, in the disputed domain names. There has been no evidence to show that the Complainant has licensed or otherwise permitted the Respondent to use the ZYN trademark or to apply for or use any domain name incorporating the ZYN marks;

(ii) there has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain names. There has been no evidence adduced to show that the Respondent has any registered trademark rights with respect to the disputed domain names. The Respondent registered the disputed domain names on July 24, 2024, and July 26, 2024, after the ZYN mark was registered internationally, covering jurisdictions including China (since 2018). The disputed domain names are confusingly similar to the Complainant's ZYN marks; and

(iii) there has been no evidence adduced to show that the Respondent was making a legitimate noncommercial or fair use of the disputed domain names. By contrast, the disputed domain names resolve to Websites purporting to be authorised online stores for Complainant's products and third-party competing products, which does not qualify as fair use under the "Oki Data test" found in section 2.8.1 of the [WIPO Overview 3.0](#). The Websites contained content copied from the Complainant's official website and purported to offer the Complainant's goods for sale. Additionally, the Websites include no information regarding the identity of the provider of the Websites, which is only identified as ZYN on the Websites, further increasing the likelihood of consumer confusion. As the Complainant's ZYN products are mainly sold through official channels, the disputed domain names mislead consumers into falsely believing they are authorized or endorsed distributors.

Panels have held that the use of a domain name for illegal activity (i.e., impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

D. 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 has registered and used the disputed domain names in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Based on the information provided by the Complainant, the Panel finds that the Complainant has a reputation in the ZYN marks with regard to its products and services. It is not conceivable that the Respondent would not have had the Complainant's trademark in mind at the time of the registration of the disputed domain names (in 2024).

This has been reinforced by the fact that the disputed domain names incorporate the the Complainant's ZYN trademark, entirely, and the use of the Complainant's trademark on the Websites of the disputed domain names.

The Respondent has used the Websites resolving from the disputed domain names for displaying content copied from the original website of the Complainant, purporting to offer the Complainant's goods for sale, and prominently displaying the Complainant's ZYN mark.

Thus, the Panel concludes that the Respondent is using confusingly similar disputed domain names with the intention to attract, for commercial gain, Internet users to the Respondent's Websites by creating a likelihood of confusion with the Complainant. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

UDRP panels have held that the use of a domain name for illegal activity (i.e., impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Based on the available record, the Panel finds 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 names <zynbrand.com>, <zyninternational.com>, and <zyn-usa.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: July 28, 2025