

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Philip Morris International, Inc. v. 杨进(yangjin)
Case No. D2025-2665

1. The Parties

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

The Respondent is 杨进 (yangjin), China.

2. The Domain Name and Registrar

The disputed domain name <zyngirl.com> is registered with DNSPod, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 7, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 9, 2025, 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 Complainants on July 12, 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 in English on July 12, 2025.

On July 12, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On July 12, 2025, the Complainants confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainants’ submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on July 18, 2025. In accordance with the

Rules, paragraph 5, the due date for Response was August 7, 2025. A third party ostensibly related to the Respondent sent an email communication in English to the Center on July 18, 2025. The Center notified the Parties of the commencement of panel appointment process on August 14, 2025.

The Center appointed James Wang as the sole panelist in this matter on August 21, 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, is part of the group of companies affiliated to the Second Complainant, Philips Morris International, Inc., an international tobacco company.

The First Complainant was founded in 1992 and acquired by the Second Complainant in May 2022. One of the Complainants' products is the ZYN nicotine pouch brand, first launched in the United States in 2016 and now available in around 40 markets across the world.

The First Complainant, directly or through affiliates, owns a portfolio of ZYN trademarks, including but not limited to the International Registration No. 1421212 in class 34, registered on April 18, 2018, designating China and many other countries.

The disputed domain name was registered on April 10, 2025. The disputed domain name resolves to a website offering purported ZYN products for sale and using the Complainants' official product images without authorization.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is confusingly similar to the trademark in which the Complainants have rights. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainants requested that the language of the proceeding be English.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Considering the Center has sent case-related communications to the Parties in both Chinese and English, including communications regarding the language of the proceeding, and thereby has given the Respondent an opportunity to comment on or to oppose the Complainants' request and arguments in Chinese or English, and considering the Respondent's default and lack of reaction after having been given a fair chance to comment or oppose, together with the fact that the disputed domain name consists of only Latin letters instead of Chinese characters, and the Website under the disputed domain name is provided in English, the Panel finds it would not be unfair to proceed in English as requested by the Complainants.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Elements

According to paragraph 4(a) of the Policy, the Complainants must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (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.

A. Identical or Confusingly Similar

The Complainants have provided evidence that the Complainants own numerous ZYN trademark registrations.

The applicable Top-Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. Therefore, the TLD ".com" shall be disregarded under the confusing similarity test in this case. See [WIPO Overview 3.0](#), section 1.11.1.

The disputed domain name incorporates the entirety of the Complainants' ZYN trademark. As the ZYN trademark is recognizable within the disputed domain name, the disputed domain name is confusingly similar to the Complainants' trademark. The addition of "girl" into the disputed domain name does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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

B. Rights or Legitimate Interests

Proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

According to the Complaint, the Complainants have not licensed or otherwise permitted the Respondent to use any of the Complainants' trademarks or to register a domain name incorporating their ZYN trademark. There is no evidence that the Respondent has been commonly known by the disputed domain name. The disputed domain name resolves to a website offering purported ZYN products for sale and using the Complainants' official product images without authorization.

The Panel finds that the Complainants have made a prima facie case that the Respondent lacks rights or legitimate interests, and the Respondent failed to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

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

C. Registered and Used in Bad Faith

Given the distinctiveness of the Complainant's ZYN trademark and use of the disputed domain name, it would be inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainants' trademark at the time of the registration. The Panel finds that the disputed domain name was registered in bad faith.

The Panel noticed that the disputed domain name resolves to a website offering purported ZYN products for sale and using the Complainants' official product images without authorization, which indicates that the Respondent had an intent to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion. Such conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Having reviewed the record and also given the Respondent's lack of response to the present proceeding, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel therefore 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 <zyngirl.com> be transferred to the Complainants.

/James Wang/

James Wang

Sole Panelist

Date: September 4, 2025