

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc v. durant Kevin, Host Master, Njalla Okta LLC
Case No. D2026-0081

1. The Parties

The First Complainant is Swedish Match North Europe AB, Sweden. The Second Complainant is Philip Morris International, Inc, United States of America (“United States”), The First and Second Complainants will hereinafter be referred to as the “Complainant”. The Complainant is represented by D.M. Kisch Inc., South Africa.

The Respondents are durant Kevin, United States, and Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Names and Registrars

The disputed domain names are as follows: <buy-zynpouches.com>, registered with West263 International Limited; and <zyntechglobal.com>, registered with Tucows Domains Inc.

The disputed domain names listed above will hereinafter collectively be referred to as the “Disputed Domain Names”. West263 International Limited and Tucows Domains Inc. will hereinafter be collectively referred to as the “Registrars”.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 9, 2026. On January 9, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Disputed Domain Names. On January 9 and 12, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Registration Private) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 13, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate Complaints for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that the Disputed Domain Names are under common control. The Complainant filed an amended Complaint on January 19, 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 Respondents of the Complaint, and the proceedings commenced on January 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 9, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on February 11, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on February 19, 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

Founded in 1992, the First Complainant is primarily engaged in the business of manufacturing, marketing and selling smoke free tobacco products, such as nicotine pouches, which are sold in many countries worldwide. The First Complainant’s brand portfolio contains brands such as ZYN, a leading brand for nicotine pouches in the United States. First launched in the United States in 2016, the ZYN brand has obtained a 76 percent share of the market in the United States. The ZYN nicotine product is available in approximately 40 markets worldwide. As a result of its extensive international sales, the ZYN nicotine product has achieved considerable international success and reputation. The First Complainant, with its long history in this field, has become well known for its products in Sweden, Norway and the United States. The First Complainant is a subsidiary of the Second Complainant.

The First Complainant itself or through its affiliated company owns trademark registrations across various jurisdictions.¹ Among them are marks that contain or incorporate the term “zyn”, including, but not limited to: ZYN, International Registration No. 1421212, registered on April 18, 2018, designating various jurisdictions; ZYN, International Registration No. 1456681, registered on December 27, 2018, designating various jurisdictions; and ZYN, United States Registration No. 5,061,008, registered on October 11, 2016 (hereinafter collectively referred to as the “ZYN Mark”)

The Disputed Domain Names were registered as follows: <buy-zynpouches.com> was registered on January 20, 2025, and <zyntechglobal.com> was registered on June 20, 2025. The Disputed Domain Names resolve to a website that promotes and sells the Complainant’s ZYN nicotine product.

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 the Complainant’s ZYN Mark because the Disputed Domain Names contain the ZYN Mark in its entirety, along with the terms “buy”, “tech” and “global”, then followed by the generic Top-Level Domain (“gTLD”) “.com”, which does not prevent a finding of confusing similarity;

¹ The ZYN Mark is owned by the First Complainant outside of the United States, and by Pinkerton Tobacco Co. LP in the United States. Pinkerton Tobacco Co. LP is part of the group of companies affiliated with the First Complainant.

- the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names because, among other things, the Complainant has not authorized the Respondents to register a domain name containing the ZYN Mark, and the Respondents have never been commonly known by the Disputed Domain Names; and

- the Disputed Domain Names were registered and are used in bad faith because, among other things, the Respondents used the Disputed Domain Names with actual knowledge of the Complainant and its ZYN Mark, and to suggest sponsorship or endorsement by the Complainant for the purpose of deceiving unsuspecting consumers.

The Complainant seeks the transfer of the Disputed Domain Names in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Consolidation of the Respondents

The Complainant has requested the consolidation of the Respondents in this proceeding. Pursuant to paragraph 3(c) of the Rules, "[t]he complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder." Where a complaint is filed against multiple respondents, UDRP panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.2. Procedural efficiency would also underpin panel consideration of such a consolidation scenario. See *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

The disputed domain name registrants did not comment on the Complainant's request.

As regards common control, the Panel notes that (i) the nearly identical composition of the Disputed Domain Names; (ii) the proximity in the dates of registration of the Disputed Domain Names; (iii) the Respondents' websites both have an "about us" page which refers to the Complainant and its history; (iv) the Respondents' websites both include the identical images of a manufacturing site for the Complainant's products; (v) the Respondents' websites both display the Complainant's official trademark registration certificates; (vi) and the Respondents' websites both contain the term "ZYN" at the top of their webpages all demonstrate that the Disputed Domain Names are under the control of a single individual or entity.

Therefore, as regards fairness and equity, the Panel sees no reason why consolidation of the Respondents would be unfair or inequitable to any Party. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (hereinafter referred to as "the Respondent") in a single proceeding.

6.2 Substantive Issues

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

- (i) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names; and
- (iii) the Disputed Domain Names were registered and are being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Names are confusingly similar to the ZYN Mark as explained below.

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. See [WIPO Overview 3.1](#), section 1.7.

It is uncontroverted that the Complainant has established rights in the ZYN Mark based on its years of use, as well as its registered trademark for the ZYN Mark in numerous jurisdictions worldwide, including in the United States. The consensus view of panels is that "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". See [WIPO Overview 3.1](#), section 1.2.1. Therefore, the Panel finds that the Complainant has rights in the ZYN Mark.

One of the Disputed Domain Names consists of the ZYN Mark in its entirety, preceded by and joined with a hyphen to the term "buy", followed by the term "pouches", then followed by the gTLD ".com"; the other Disputed Domain Name consists of the ZYN Mark in its entirety, followed by the terms "tech" and "global", then followed by the gTLD ".com". The test for confusing similarity involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Here, the ZYN Mark is recognizable within the Disputed Domain Names. As stated in section 1.8 of [WIPO Overview 3.1](#), "where the relevant trademark is recognizable within the disputed domain name, the addition of another term (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". Thus, the addition of the terms "buy", "tech" or "global" to the Complainant's ZYN Mark in the Disputed Domain Names do not prevent a finding of confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. [D2011-0795](#); and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#).

Moreover, it is well established that a disputed domain name that wholly incorporates a trademark will normally be considered confusingly similar to that trademark for purposes of the Policy despite the addition of a hyphen. The presence or absence of punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity. See *Six Continents Hotels, Inc. v. Helen Siew*, WIPO Case No. [D2004-0656](#).

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.1](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant's ZYN Mark.

Based on the available record, the Panel finds that 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. While 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, and based on the available record, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its ZYN Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Names or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Names in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

The Respondent created the Disputed Domain Names by combining the Complainant's ZYN Mark with the terms "buy", "tech" and "global", intending to target the Complainant and its nicotine products. Additionally, the Disputed Domain Names resolve to the similar websites, purporting to be an official online retailer of the Complainant's ZYN nicotine product in the United States by using the Complainant's ZYN Mark and official product images without authorization, falsely claiming copyright in such material. This illegitimate and false claim of rights in the Complainant's official copyright-protected material further supports the false impression that the website is endorsed by the Complainant, which it is not. As the Respondent's resolving websites purportedly offer goods bearing the Complainant's ZYN Mark, such use does not constitute legitimate or noncommercial fair use under the Policy. Rather, the Panel finds that the Respondent was likely using the Disputed Domain Names for commercial gain, demonstrating that the Respondent lacked rights or legitimate interests in respect of the Disputed Domain Names.

In its Complaint, the Complainant addressed the requirements established by the "Oki Data" test; the Panel agrees that those requirements were not met in this case. Even if the Respondent was to be a reseller of the Complainant's product, the Panel finds that the website associated with the Disputed Domain Names did not disclose the (lack of) relationship with the Complainant. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and [WIPO Overview 3.1](#), section 2.8.

In sum, the Panel finds that the Complainant has established an un rebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names.

Based on the available record, the Panel finds that 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.

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Names pursuant to paragraph 4(a)(iii) of the Policy. 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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Names constitutes bad faith under the Policy. The Disputed Domain Names incorporate the ZYN Mark in its entirety, with the Respondent's corresponding website displaying the Complainant's ZYN Mark and purportedly offering ZYN products. Therefore, it strains credulity to believe that the Respondent had not known of the Complainant or its ZYN Mark when registering the Disputed Domain Names. See *Myer Stores Limited v. Mr. David John*, WIPO Case No. [D2001-0763](#) ("a finding of bad faith may be made where the respondent 'knew or should have known' of the registration and/or use of the trademark prior to registering

the domain name"). In this regard, the fact that the Respondent featured the ZYN Mark on its websites also indicates that the Respondent was aware of the Complainant and its goods. In sum, the Panel finds that the Respondent had the Complainant's ZYN Mark in mind when registering the Disputed Domain Names, another indication of bad faith.

Moreover, the use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Names indicates that such registration and use had been done for the specific purpose of trading upon and targeting the reputation, name, mark, and goodwill of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain").

The Panel also concludes that the Respondent's registration and use of the Disputed Domain Names was an attempt to disrupt the Complainant's business. The Respondent's use of the Disputed Domain Names was also likely to confuse Internet users into incorrectly believing that the Respondent was authorized by or affiliated with the Complainant.

Finally, the Panel finds that the Respondent in this case has engaged in a bad faith pattern of cybersquatting since the Respondent was a party in at least one previous UDRP proceeding, namely, *Swedish Match North Europe AB, Philip Morris International, Inc. v. durant Kevin*, WIPO Case No. [D2025-3006](#), in which the panel there found against the Respondent.

Based on the available record, 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 Names <buy-zynpouches.com> and <zyntechglobal.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: March 2, 2026