ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Pinkerton Tobacco Co. LP v. 黄新华 (huangxinhua), 厦门嘉浩伟业科技有限公司 (xiamenjiahaoweiyekejiyouxiangonsi), VV IC, narto tom, 陶鑫熠 (tao xin yi), In nurta In nurta, ryan rosamino adfsgadf, 华俊卿(hua jun qing), 深圳市奈美文化传媒有限公司 (shen zhen shi nai mei wen hua chuan mei you xian gong si), 何鼎卿 (he ding qing), 广州柏选科技有限公司 (guang zhou bai xuan ke ji you xian gong si), JANICE TASTO, JANICE TASTO, Gelin Beverage
Case No. D2025-2089

1. The Parties

The Complainants are Swedish Match North Europe, Sweden; and Pinkerton Tobacco Co. LP, United States of America ("United States"), represented by D.M. Kisch Inc., South Africa.

The Respondents are 黄新华 (huangxinhua), 厦门嘉浩伟业科技有限公司 (xiamenjiahaoweiyekejiyouxiangonsi), China ("First Respondent"); VV IC, Afghanistan; narto tom, United States; 陶鑫熠 (tao xin yi), China; In nurta In nurta, United States; ryan rosamino adfsgadf, United States 华俊卿(hua jun qing), 深圳市奈美文化传媒有限公司 (shen zhen shi nai mei wen hua chuan mei you xian gong si), China; 何鼎卿 (he ding qing), 广州柏选科技有限公司 (guang zhou bai xuan ke ji you xian gong si), China; JANICE TASTO, JANICE TASTO, United States and Gelin Beverage, United States.

2. The Domain Names and Registrars

The disputed domain names <buyzynonline.com>, <buyzynpouches.shop>, <nikzyngo.shop>, <nikzyn.shop>, <nikzyns.shop>, <poucheszyn-us.shop>, <priniczyn.com>, <priniczynonline.com>, <tobazyn.shop>, <tozyn.shop>, <us-buyzyn.com>, <uspoucheszyn.shop>, <us-zynpouches.com>, <varyzyn.shop>, <zynbag.shop>, <zynbuy.shop>, <zyninshop.shop>, <zyninstore.shop>, <zynjuice.shop>, <zynnicopouch.shop>, <zynnicotpouches.shop>, <zynnicpouches.shop>, <zynonlineca.com>, <zynonline.shop>, <zynpouches-club.com>, <zynpouchesonline.shop>, <zynpouch-us.com>, <zynpurestoe.com>, <zynrevolve.com>, <zynsgo.shop>, <zynsgoshop.shop>, <zyn-shop.shop>, <zynshop.store>, <zynsmoks.shop>, <zynsonlin.shop>, <zynsshopping.com>, <zynsshop.shop>, <zynss.shop>, <zynvelo.com>, <zynvelostore.com>, <zynvelo79.shop>, <zynzshop.shop> and <zzyn.shop> are registered with West263 International Limited.

The disputed domain names <bzyn.shop>, <zyn-authorization.com>, <crazy-zyn.shop> and <zyn-buy.com> are registered with NameCheap, Inc.

The disputed domain names <zynicpouches.com>, <zyn-na.com> and <zynsmokers.com> are registered with Gname.com Pte. Ltd.

The disputed domain names <iszyn.shop>, <lovezyn.shop>, <shopzyn.shop>, <storezyn.shop>, <tuzyn.shop>, <zynbloom.shop>, <zynmain.shop>, <zynmarket.shop>, <zynsphere.shop>, <zynworld.shop>, <zyn-official.shop>, <zynpouchesofficial.com>, <zynwholesale.shop>, <us-zyn-nicotine.com> and <nicotine-zyn.com> are registered with Alibaba Cloud Computing Limited (d/b/a HiChina (www.net.cn)).

(Collectively referred as the "Registrars").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 14, 2025. On May 27, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On May 27 and 28, 2025, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Private Registrations; VV IC; Privacy service provided by Withheld for Privacy ehf; and Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 17, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainants to either file separate complaint(s) 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 all domain names are under common control. The Complainants filed an amended Complaint in English on June 18, 2025.

On June 17, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names <iszyn.shop>, <nicotine-zyn.com>, <us-zyn-nicotine.com>, <zynpouchesofficial.com>, <lovezyn.shop>, <shopzyn.shop>, <storezyn.shop>, <tuzyn.shop>, <zynbloom.shop>, <zynworld.shop>, <zynsphere.shop>, <zynmarket.shop>, <zynmain.shop>, <zyn-official.shop>, and <zynwholesale.shop> is Chinese. On June 18, 2025, the Complainants confirmed its request that English to be the language of the proceeding. The Respondents 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 Respondents in Chinese and English of the Complaint, and the proceedings commenced on July 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on July 24, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on August 11, 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, and the Second Complainant, Pinkerton Tobacco Co. LP, are part of the group of companies affiliated to Philips Morris International, Inc., a well-known international tobacco company.

The First Complainant was originally founded in 1992 and in November 2022, the Complainants, together with their affiliates, were acquired by and became part of the Philips Morris International, Inc. group of companies. The First Complainant is specialized in the manufacturing, marketing, and sale of smoke-free tobacco products, such as snus and nicotine pouches. One of the First Complainant's 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's website is "www.swedishmatch.com".

The First Complainant is the owner, amongst others, of the following ZYN trademark registrations: International Registration No. 1421212 for ZYN (word) in class 34, registered on April 18, 2018, designating several countries; International Registration No. 1456681 for ZYN (word/device) in class 34, registered on December 27, 2018, designating Australia, Bahrain, Switzerland, Egypt, United Kingdom, Israel, Kenya, Norway, Oman and Philippines.

The Second Complainant is an affiliate of the First Complainant in that it is a member of the same group of companies as the First Complainant. The Second Complainant is the owner of the following ZYN trademark registrations: United States Registration No. 5061008 for ZYN (word) in class 34, registered on October 11, 2016; and United States Registration No. 5925183 for FIND YOUR ZYN (word) in class 34, registered on December 3, 2019.

For the sake of clarity and given the common grievances in this proceeding based on the aforementioned registered trademarks owned by the First Complainant and by the Second Complainant, the Panel shall hereafter jointly refer to both Complainants as "the Complainant".

The disputed domain names were all registered between September 13, 2024 and February 18, 2025. Most of the disputed domain names direct to inactive or error websites, the disputed domain names <buyzynonline.com>, <zynpouches-club.com>, and <zynpouch-us.com> resolve to online shops which allegedly sell and offer what are purported to be the Complainant's ZYN nicotine products, and the disputed domain name <priniczynonline.com> directs to an website which apparently offers third party electronic products for sale.

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 trademarks, since the disputed domain names incorporate the Complainant's distinctive trademarks ZYN in combination with various terms within various generic Top-Level Domains. The Complainant also contends that the Respondents are not licensees of the Complainant, nor are the Respondents otherwise entitled or authorized to use the Complainant's trademarks for any purpose. The Complainant further states that it has not given the Respondents any permission to use the mark and that the Respondents are not commonly known under the disputed domain names. The Complainant also argues that the Respondents are not making a legitimate non-commercial or fair use of the disputed domain names in any way, and that even for those disputed domain names where the Respondents purport to be reselling the Complainant's products, the Respondents do not comply with the applicable *Oki Data* criteria (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, <okidataparts.com>) for good faith reselling of products. Instead, the Complainant contends that the Respondents' behavior shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. Furthermore, the Complainant essentially argues that the Respondents have merely registered the disputed domain names to intentionally attempt to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the disputed domain names. Additionally, the Complainant

argues that the Respondents have engaged in a pattern of bad faith behavior as they were allegedly also involved in a prior UDRP case with a similar factual constellation, namely *Swedish Match North Europe AB, Philip Morris International, Inc. v. xiang zheng, Alico Enterprise Pte. Ltd., xiang zheng, juxs jttkbdeitnx*, WIPO Case No. D2024-4487. The Complainant essentially argues that in these circumstances, the Respondents have no rights or legitimate interests in the disputed domain name and the registration and use of the disputed domain name are made in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed 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 Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.11.2.

As regards the question of common control, the Panel notes that the disputed domain names were registered over a period of approximately five months, namely between September 13, 2024 and February 18, 2025, and that they share certain similarities in structure, in that each incorporates ZYN together with various dictionary and/or descriptive terms.

However, the Panel notes that such slight similarity in registration pattern or naming structure, without additional elements, is insufficient to establish common control. The record indicates that the disputed domain names have been registered through different Registrars, under Registration Agreements in different languages (some in English, others in Chinese), and that the Complainant has not demonstrated any persuasive connection between the named registrants or their registration details, addresses etc.

The Panel further observes that the use of the disputed domain names is not uniform so as to show common control: while a number resolve to inactive websites (which by itself cannot be considered as sufficient to illustrate common control), some others purport to offer the Complainant's products for sale (with differing layouts and presentation), and yet others offer unrelated third-party products. Such divergent patterns of use tend to indicate, on balance of probabilities, that the disputed domain names are under separate control, rather than illustrating a unified or coordinated scheme. The Complainant's evidence in support of consolidation is, in the Panel's view, insufficient to establish common control necessary for consolidation of the cases.

The Complainant has not adduced concrete evidence demonstrating that the named registrants are aliases, proxies, or otherwise under a single controlling entity. In particular, there is an absence of consistent links in names, contact details, addresses, technical infrastructure links (such as common hosting or name servers), or other objective indicia that the disputed domain names are managed by the same person or entity.

The Panel also considers the fairness aspect. Consolidation should not operate to prejudice the due process rights of respondents. On the present record, in circumstances where there is no clear evidence of common control, consolidation could risk unfairly binding distinct and potentially unrelated respondents into a single proceeding without adequate justification.

In these circumstances, the Panel concludes that the requirements for consolidation have not been met. The Panel therefore declines to order consolidation in this case and will proceed to determine the merits solely in respect of those disputed domain names registered by the First Respondent (黄新华 (huangxinhua), 厦门嘉浩伟业科技有限公司(xiamenjiahaoweiyekejiyouxiangonsi)), whom the Panel shall hereafter refer to as the "Respondent." The Panel also notes that the Complainant remains at liberty to file a new complaint in respect of the excluded disputed domain names and that this Decision is without prejudice to any such potential future complaint.

6.2 Discussion and Findings on the Merits

A. 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 name. WIPO Overview 3.0, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the mark is recognizable within each of 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 Panel finds 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.

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.

Moreover, upon review of the facts and evidence, the Panel observes that all disputed domain names which resolve to active websites direct to online shops allegedly offering what purport to be the Complainant's ZYN nicotine products, or to websites apparently offering third-party goods of other commercial origin. On the record, there is no evidence that the Respondent has made any reasonable or demonstrable preparations to

use the disputed domain names in connection with a bona fide offering of goods or services. In the Panel's view, the overall circumstances do not support any claim of legitimate noncommercial or fair use. Even if the Respondent were claiming to resell the Complainant's products, such use would not meet the requirements set out in the *Oki Data* test (see *Oki Data Americas, Inc. v. ASD, Inc.,* WIPO Case No. D2001-0903 and WIPO Overview 3.0, section 2.8.1), as the Respondent is not an authorized reseller, has not accurately and prominently disclosed its relationship with the Complainant, and appears to be offering unauthorized products alongside competing goods. Rather, the evidence indicates that the Respondent's primary intention is to mislead and divert Internet users for commercial gain by exploiting the goodwill and reputation of the Complainant's ZYN mark, including through the unauthorized sale of purported ZYN products or competing third-party goods. Such conduct falls squarely within the type of behavior not conferring rights or legitimate interests, as also described in section 2.5 of the WIPO Overview 3.0.

As to the disputed domain names which direct to an inactive or error webpage, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain names on the Respondent under the circumstances of this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. D2020-0691 and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. D2021-1685).

The Panel finds 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.

In the present case, the Panel notes that the Respondent has registered the disputed domain names, each confusingly similar to the Complainant's distinctive and extensively used ZYN trademarks, under which products are marketed by the Complainant in numerous jurisdictions. The Complainant's trademarks were registered several years prior to the registration date of the disputed domain names. From these facts, the Panel infers that the Respondent knew, or at the very least should have known, of the Complainant's trademark rights at the time of registration, which could have also easily been discovered by the Respondent by a simple Internet or trademark search at that time. This inference is furthermore confirmed by the content of websites to which several of the disputed domain names (see for instance <buyzynonline.com>) resolve, which indeed seem to offer for sale purported ZYN products and thus provide direct evidence that the Respondent was aware of, and targeted the Complainant and its ZYN marks when registering the disputed domain names. In the Panel's view, these circumstances constitute clear evidence of bad faith, and the Panel therefore finds that the disputed domain names were registered 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.

In particular, the Complainant has provided evidence that the disputed domain names <buyzynonline.com>, <zynpouches-club.com>, and <zynpouch-us.com> resolving to active websites direct to online shops allegedly offering what purport to be the Complainant's ZYN nicotine products, in some cases even using the Complainant's official product images and marketing materials, or to websites apparently offering third-party goods of other commercial origin. The Panel finds that, in each such instance, the Respondent is intentionally attempting to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the disputed domain names. Such conduct constitutes clear evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The disputed domain name <priniczynonline.com> resolves a website offering electronic products for sale. Considering the Complainant's fame, and the Respondent's use of the disputed domain names

<buyzynonline.com>, <zynpouches-club.com>, and <zynpouch-us.com>, the Panel considers that the Respondent's use is clearly for commercial gain, and the Respondent has intentionally attempted to attract, Internet users to its website by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement. The registration and use of the disputed domain name <priniczynonline.com> constitute bad faith under paragraph 4(b)(iv) of the Policy.

As to those of the disputed domain names which direct to an inactive or error webpage, the Panel refers to the settled view of panels applying the Policy which have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Having reviewed the available record, the Panel notes the strong reputation of the Complainant's trademarks, and the composition of the disputed domain names, and finds that in the circumstances of this case the current passive holding of these disputed domain names does not prevent a finding of bad faith under the Policy.

As to the Complainant's contention that the Respondent has engaged in a pattern of bad faith conduct, referring to its alleged involvement in the prior UDRP case *Swedish Match North Europe AB, Philip Morris International, Inc. v. xiang zheng, Alico Enterprise Pte. Ltd., xiang zheng, juxs jttkbdeitnx*, WIPO Case No. D2024-4487, the Panel notes that the record does not contain sufficient evidence to establish that the Respondent in the present case is indeed the same party as the respondent in that proceeding. In these circumstances, the Panel is unable to make a finding on this point. Nevertheless, in light of the other elements discussed above, the Panel finds there is sufficient evidence to conclude that the Respondent has registered and is using the disputed domain names in bad faith.

Based on the available record, the Panel 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 names <buyzynonline.com>, <buyzynpouches.shop>, <nikzyngo.shop>, <nikzyn.shop>, <nikzyns.shop>, <poucheszyn-us.shop>, <priniczyn.com>, <priniczynonline.com>, <tobazyn.shop>, <tozyn.shop>, <us-buyzyn.com>, <uspoucheszyn.shop>, <us-zynpouches.com>, <varyzyn.shop>, <zynbag.shop>, <zynbuy.shop>, <zyninshop.shop>, <zyninstore.shop>, <zynjuice.shop>, <zynnicopouch.shop>, <zynnicotpouches.shop>, <zynnicpouches.shop>, <zynonlineca.com>, <zynonline.shop>, <zynpouches-club.com>, <zynpouchesonline.shop>, <zynpouch-us.com>, <zynpurestoe.com>, <zynrevolve.com>, <zynsgo.shop>, <zynsgoshop.shop>, <zyn-shop.shop>, <zynshop.store>, <zynsmoks.shop>, <zynsonlin.shop>, <zynsshopping.com>, <zynsshop.shop>, <zynss.shop>, <zynvelo.com>, <zynvelostore.com>, <zynvelo79.shop>, <zynzshop.shop>, and <zzyn.shop> be transferred to the Complainant.

The Complaint is denied without prejudice as regards the disputed domain names <bzyn.shop>, <zyn-authorization.com>, <crazy-zyn.shop>, <zyn-buy.com>, <zynicpouches.com>, <zyn-na.com>, <zynsmokers.com>, <iszyn.shop>, <lovezyn.shop>, <shopzyn.shop>, <storezyn.shop>, <tuzyn.shop>, <zynbloom.shop>, <zynmain.shop>, <zynmarket.shop>, <zynsphere.shop>, <zynworld.shop>, <zyn-official.shop>, <zynpouchesofficial.com>, <zynwholesale.shop>, <us-zyn-nicotine.com>, and <nicotine-zyn.com>.

/Deanna Wong Wai Man/
Deanna Wong Wai Man
Sole Panelist
Date: August 25, 2025