

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe and Philip Morris International, Inc. v.
Yang Xiang Bin and Zhang Jie
Case No. D2025-2319

1. The Parties

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

The Respondents are Yang Xiang Bin, Taiwan Province of China, and zhang jie, China.

2. The Domain Names and Registrar

The disputed domain names <realzynnicotineus.com> and <zynpure.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2025. On June 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 16, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 23, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainants to either file a separate complaint for the disputed domain name associated with a different underlying registrant 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 23, 2025.

On June 23, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On June 23, 2025, the Complainants requested English to be the language of the proceedings. 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 English and Chinese of the Complaint, and the proceedings commenced on June 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on July 17, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on July 22, 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 is a Swedish company and part of the group of companies affiliated to the Second Complainant, an international tobacco company. Founded in 1992, the First Complainant has a long history of business in smoke-free tobacco products. One of these products are nicotine pouches under the ZYN brand, which has obtained 76% share of the market in the U.S. and is available in around 40 markets across the world.

The First Complainant, directly or through affiliates, owns a portfolio of trademarks containing the term “ZYN”, including the following: International Registration No. 1421212 for ZYN (word), registered on April 18, 2018; and European Union Registration No. 015272487 for ZYN (word), registered on July 8, 2016.

The disputed domain names were respectively registered on November 26, 2024 for <realzynnicotineus.com> and on April 30, 2025 for <zynpure.com>. At the time of filing of the Complaint, the disputed domain name <zynpure.com> resolves to a website prominently displaying the Complainant’s trademark, without authorization plus the term “pure” at the top banner of the webpage. It offers for sale purported ZYN nicotine pouches bearing the Complainant’s mark, using purportedly images of the Complainant’s branded products prominently, as well as nicotine products from at least two other providers. At the bottom of the webpage under that domain name, a selected customer comment is shown prominently, saying, “amazing quality products for prices I didn’t think were possible.”. The disputed domain name <realzynnicotineus.com> resolved to an online shop in the Chinese language allegedly offering third-party nicotine products of cigarette rods and flavored fillings. On the date of issuing this Decision, the above-mentioned domain name resolves to an inactive page.

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 names.

B. Respondents

The Respondents did not reply to the Complainants’ contentions.

6. Discussion and Findings

6.1. Preliminary Issues

A. Consolidation: Multiple Respondents

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

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

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 Complainants' 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 common control, the Panel notes that: (i) the disputed domain names are registered with the same Registrar; (ii) Under the "Terms of Service" in the website associated with the disputed domain name <zynpure.com>, the term "RealZynNicotineUs", which is exactly the same as the Second-Level Domain of the disputed domain name <realzynnicotineus.com>, is mentioned at least twice referring to an entity operating that website. The Panel finds that, on the evidence presented, the Respondents are under the common control and that the consolidation of the disputes in this single proceeding is appropriate.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

B. Language of the Proceedings

The language of the Registration Agreement for the disputed domain names are 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 proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact that: (1) the disputed domain names include terms in the English language; and (2) the webpage contents associated with the disputed domain name <zynpure.com> are in English and clearly targeted to English-speaking consumers. Meanwhile, the webpage contents associated with the disputed domain name <realzynnicotineus.com> also includes certain English terms, suggesting the Respondent understands English.

The Respondent has, moreover, been notified by the Center, in both Chinese and English, of the language of the proceedings and of the Complaint. The Respondent did not make any submissions with respect to the language of the proceedings, nor did the Respondent file any Response in Chinese or English.

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 3.0](#), section 4.5.1).

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

6.2. Substantive Issues

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 Complainants' trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainants have 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 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.

Although the addition of other terms, here, "pure", "real", and "nicotineus", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The Panel finds that the composition of the disputed domain names, adding the geographic term "us" and the terms "pure" "real" and "nicotine" to the Complainants' ZYN trademark, coupled with the use of the disputed domain names, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain names and the Complainant as to the origin or affiliation of the website at the

dispute domain names. The available record shows that the Respondent is not affiliated or otherwise authorized by the Complainants or held any registration of the ZYN mark anywhere. There is no evidence indicating that the Respondent is commonly known by the disputed domain names.

The disputed domain name <zynpure.com> resolves to a website prominently displaying without any consent or approval the Complainant's trademark plus a related term, as well as images of the Complainant's ZYN products for purported sale. Regarding the possible legitimate offering by resellers or distributors, certain requirements must be met which are set by *Oki Data Americas, Inc v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki Data"). In line with the Oki Data test, the four main requirements include: 1. "The Respondent must actually be offering the goods or services at issue"; 2. "The Respondent must use the site to sell only the trademarked goods"; 3. "The site must accurately disclose the registrant's relationship with the trademark owner"; and 4. "The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name". Applying the Oki Data test, the Panel finds that at least the second and the third requirements are not met. The website offers products not only from the Complainants but also some third parties. Moreover, the website does not include any disclaimer/statement demonstrating that it does not belong to or is not affiliated with the Complainant.

The disputed domain name <realzynnicotineus.com> resolved to an online shop allegedly offering third-party nicotine products of cigarette rods and flavored fillings, being in competition with those offered by the Complainants. The Panel is convinced that this domain name conveys the false impression about a relationship with, or endorsement by, the Complainants. Further, using the Complainant's trademark to offer products of competitors cannot be qualified as fair use.

Therefore, the Respondent's uses of the disputed domain names cannot constitute any bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

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 used without any license or authorization the Complainants' trademark in full in the disputed domain names plus related terms. The Complainants' trademark ZYN is widely used in multiple countries, and the Complainants' registration and use of their mark long predate the Respondent' registration of the disputed domain names. Thus, the Panel considers that the Respondent should have known the Complainants' mark at the time of registering the disputed domain names.

Further, considering the use of the disputed domain names as analyzed in section 6.2.B above, the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites. The disputed domain names were thus registered and are being used in bad faith, according to paragraph 4(b)(iv) of the Policy.

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 <realzynnictineus.com> and <zynpure.com> be transferred to the Complainants.

/Hong Yang/

Hong Yang

Sole Panelist

Date: August 5, 2025