

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Philip Morris International, Inc. v. yong lan
Case No. D2025-2641

1. The Parties

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

The Respondent is yong lan, China.

2. The Domain Name and Registrar

The disputed domain names <zynprice.com> and <zyn-s.com> (the “Disputed Domain Names”) 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 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 Names. On July 8, 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 Complainant on July 10, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 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 proceedings commenced on July 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Respondent sent an email communication to the Center on August 4, 2025, in which it informed the Center that access to the Disputed Domain Names had been closed. The Center responded with an email to the parties, dated August 5, 2025, in which it noted that the

proceedings could be suspended under paragraph 17 of the Rules to accommodate settlement discussions. On August 6, 2025, the Complainant requested suspension of the proceedings. Accordingly, on the same date, the Center suspended the proceedings until September 9, 2025. On September 4, 2025, the Complainant requested reinstitution of the proceedings. The proceedings were reinstituted on the same date.

The Center appointed Yuzo Wada as the sole panelist in this matter on September 10, 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 dispute involves two Complainants.

The First Complainant, founded in 1992, is a manufacturer and seller of smoke-free tobacco products such as snus, and nicotine pouches, which are sold in several countries including the United States, under the ZYN brand. The First complainant is the registered owner of the ZYN trademarks, which are registered in a large number of jurisdictions (including in China, where the Respondent is located). Among others, the First Complainant is the owner of the following trademarks for tobacco, tobacco substitutes (not for medical purposes), snuff, and tobacco free snuff in International Class 34:

- International Trademark Registration No.1421212, registered on April 18, 2018;
- International Trademark Registration No.1456681, registered on December 27, 2018.

The First Complainant is a company which is part of the group of companies affiliated to the Second Complainant.

The Disputed Domain Names <zynprice.com> and <zyn-s.com> were registered on March 17, 2025 and March 15, 2025, respectively. At the time of filing the Complaint, the Disputed Domain Names resolved to websites displaying the Complainant's trademarks and official product images, for the purpose of selling products covered by the Complainant's trademarks.

5. Parties' Contentions

A. Complainant

The Complainants contend that each of the elements required under the Policy for a transfer of the Disputed Domain Names has been satisfied.

Notably, the Complainants contend that the Disputed Domain Names are confusingly similar to the Complainants' ZYN trademarks.

The Complainants allege that the Respondent lacks any rights to or legitimate interests in the Disputed Domain Names.

The Complainants contend that the Respondent registered and is using the Disputed Domain Names in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions. Rather, on August 4, 2025, the Respondent sent a communication indicating the Respondent deleted the websites and related content resolving from the Disputed Domain Names.

6. Discussion and Findings

6.1. Consolidation of Complainants

The Complaint demonstrates that the First Complainant is a company which is part of the group of companies affiliated to the Second Complainant, therefore a common legal interest is present. As such, the Complainants have a common grievance against the Respondent. Furthermore, both Complainants are represented in this administrative proceeding by the same representative. Moreover, the Respondent has not rebutted a consolidation of the Complainants.

Accordingly, the Panel finds that the Complaints can be consolidated based on the common grievance and interests of both Complainants. The Panel is convinced that it is fair and equitable in the circumstances of the case to order the consolidation as requested (see section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").).

Consequently, the Panel accepts the consolidation of the First and Second Complainants in this administrative proceeding and, for the ease of reference, will jointly refer to them as "the Complainant" in the following, whenever appropriate.

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 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 that the Complainant has registered rights in the mark ZYN. The Panel further finds that the Disputed Domain Names are confusingly similar to this mark, since the Disputed Domain Names incorporate the entirety of the Complainant's trademarks. The mere addition of the generic Top-Level-Domain ("gTLD") ".com" to the Disputed Domain Names do not prevent a finding of confusing similarity, neither does the addition of the non-distinctive term "price" or "-s" to the Disputed Domain Names.

Although the addition of other terms, here, "price" and "-s", may bear on assessment of the second and third elements, the Panel finds the addition of such terms do 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

Under the second element of the Policy, the Complainant must show that the Respondent has no rights or legitimate interests with respect to the Disputed Domain Names. The Respondent may establish a right or legitimate interest in the Disputed Domain Names by demonstrating any of the following non-exhaustive circumstances listed in paragraph 4(c) of the Policy:

(a) that the Respondent has used, or made preparations to use, the Disputed Domain Names or a name corresponding to the Disputed Domain Names in connection with a bona fide offering of goods or services prior to any notice of the dispute; or

(b) that the Respondent has been commonly known by the Disputed Domain Names, even if the Respondent has not acquired any trademark rights; or

(c) that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant's trademark registrations for ZYN predate the Respondent's registrations of the Disputed Domain Names <zynprice.com> and <zyn-s.com> which are confusingly similar to the Complainant's trademarks. The Complainant has not licensed or otherwise consented to the Respondent's use of the trademarks in connection with the Disputed Domain Names. From the evidence in the case record, it is clear that the Disputed Domain Names resolved to commercial websites that contained the Complainant's trademarks.

Furthermore, the evidence in the case record indicates that the Respondent has copied and reproduced the Complainant's official product images. The Disputed Domain Names have been used by the Respondent to sell the same type of products for which the Complainant has registered its trademarks. Thus, the Respondent is not making a legitimate, noncommercial or fair use of the Disputed Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks.

Although given the opportunity, the Respondent has not submitted any evidence in this case to demonstrate that the Respondent is the owner of any trademark rights similar to the Disputed Domain Names or that the Respondent is or has been commonly known by the Disputed Domain Names. Rather, after receiving notice of the dispute the Respondent shut down the websites resolving from the Disputed Domain Names.

Thus, there is no evidence in the case record that refutes the Complainant's submissions, and the Panel concludes that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, shall be evidence of the registration and use in bad faith:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

Based on the evidence submitted by the Complainant, the Panel finds that the Respondent registered and is using the Disputed Domain Names in bad faith.

The Disputed Domain Names were registered after the Complainant first acquired rights in the ZYN trademarks. Without the authorization from the Complainant, the Disputed Domain Names resolved to websites displaying the trademarks and logos of the Complainant and their competitors.

The Panel finds that Internet users are likely to be misled by the confusing similarity between the Disputed Domain Names and the Complainant's trademarks into supposing that the Disputed Domain Names indicate sites belonging to, or authorized by, the Complainant. The only rational reason for using such domain names would be to attract some of the Complainant's customers to the Respondent's site. This falls squarely within the scope of paragraph 4(b)(iv) of the Policy (*Inter Ikea Systems B.V. v. Daniel Woodson*, WIPO Case No. [D2011-1933](#)).

In light of the above, the Panel concludes that the Disputed Domain Names were registered and are being used by the Respondent to intentionally attempt to attract Internet users to the resulting websites for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks as described under paragraph 4(b)(iv) of the Policy.

Considering all the facts and evidence, the Panel therefore finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case.

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 <zynprice.com> and <zyn-s.com> be transferred to the Complainant.

/Yuzo Wada/

Yuzo Wada

Sole Panelist

Date: September 24, 2025