

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc. v. durant Kevin
Case No. D2025-3006

1. The Parties

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

The Respondent is durant Kevin, United States.

2. The Domain Names and Registrar

The disputed domain names <zyn-deal.com> and <zyn-life.com> are registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 28, 2025. On July 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 30, 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) and contact information in the Complaint. The Center sent an email communication to the Complainants on the same day, 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 on August 2, 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 the proceedings commenced on August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 27, 2025.

The Center appointed Paula Bezerra de Menezes as the sole panelist in this matter on August 29, 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 Complainants are Swedish Match North Europe AB (“Swedish Match”), a Swedish company established under the laws of Sweden and a subsidiary of Philip Morris International, Inc. Philip Morris International, Inc. is a company established under the laws of the Commonwealth of Virginia, United States. The latter acquired Swedish Match in May 2022 and both belong to the same group of companies. The Complainants will be hereinafter referred to collectively as the “Complainant”.

Swedish Match was founded in 1992 and is primarily engaged in the business of manufacturing, marketing, and selling smoke-free tobacco products, such as snus and nicotine pouches, which are sold in several countries. Swedish Match’s brand portfolio contains brands like ZYN used for nicotine pouches in the United States, where it was first launched in 2016.

Currently, the ZYN nicotine product is available in around 40 markets across the world. As a result of the extensive international sales, the ZYN nicotine product has achieved considerable international success and reputation. Swedish Match, with its long history in this field, has become well known for its products in Sweden, Norway and the United States.

The Complainant itself or through its affiliated company owns trademark registrations across various jurisdictions¹ (Annexes 6 and 7 of the Complaint), a few of which are detailed below:

- United States Registration No. 5061008, ZYN (word), in international class 34, registered on October 11, 2016;
- International Registration No. 1421212, ZYN (word), to cover in international class 34 inter alia smokers’ articles and tobacco free snuff, registered on April 18, 2018 designating various jurisdictions; and
- International Registration No. 1456681, **ZYN** (figurative), to cover in international class 34, registered on December 27, 2018 designating various jurisdictions.

The disputed domain names were registered on the following dates: <zyn-life.com> on January 20, 2025, and <zyn-deal.com> on January 14, 2025.

The Respondent was identified as durant Kevin, located in the United States.

At the time of filing of the Complaint, the disputed domain names, both linked to “www.zyn-deal.com”, were allegedly selling and offering the Complainant’s ZYN nicotine products, prominently using the Complainant’s registered trademark ZYN at the top of the website page and its product images, amongst other information.

¹ The ZYN trademarks are owned by Swedish Match outside of the United States, and by Pinkerton Tobacco Co. LP in the United States. Pinkerton Tobacco Co. LP is a company which is part of the group of companies affiliated to Swedish Match.

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 ZYN trademark registrations registered in numerous jurisdictions, including, but not limited to the United States. The disputed domain names reproduce the Complainant's ZYN trademarks in their entirety, added to other generic, or descriptive wording. The generic Top-Level Domain ("gTLD") ".com", should be disregarded as it is a standard registration requirement.

The Complainant asserts that it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its ZYN trademark (or a domain name which will be associated with this trademark). The Respondent is not an authorized distributor or reseller of ZYN nicotine product and is not making a legitimate noncommercial or fair use of the disputed domain names. On the contrary, the Respondent intends to obtain an unfair commercial gain, with a view to misleadingly divert consumers or to tarnish the trademarks owned by the Complainant. Moreover, the website to which the disputed domain names direct does not disclose any details regarding its provider.

The Complainant further contends that when accessing the website under the disputed domain name <zyn-life.com>, the user is redirected to the same website for the disputed domain name <zyn-deal.com>. The website corresponding to the disputed domain names is purporting to be an official online retailer of the Complainant's ZYN nicotine product in the United States by using the Complainant's official product images without authorization, while at the same time falsely claiming copyright in this material. This illegitimate and false claim of rights in the Complainant's official copyright protected material further supports the false impression, that the website to which the disputed domain names resolve is endorsed by the Complainant, and this is not true. Such use of the disputed domain names cannot be considered a bona fide offering of goods and does not establish a legitimate interest on behalf of the Respondent.

It is evident from the Respondent's use of the disputed domain names that the Respondent knew of the Complainant's ZYN trademark when registering the disputed domain names. The Respondent started offering the Complainant's ZYN nicotine product immediately after registering the disputed domain names. Furthermore, the Complainant contends that the term "zyn" is purely imaginative, and unique to the Complainant. The term "zyn" is not commonly used to refer to nicotine, tobacco products or electronic devices. It is, therefore, beyond the realm of reasonable coincidence that the Respondent chose the disputed domain names, without the intention of invoking a misleading association with the Complainant. The Respondent creates a likelihood of confusion with the Complainant's registered ZYN trademark as to the source, sponsorship, affiliation, and endorsement of its websites, locations, services or products, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Finally, the Complainant submits that the Respondent, or a person connected to the Respondent, was also the respondent in a previous proceeding concerning the domain name <us-zyn.store> et al. (see *Swedish Match North Europe AB, Philip Morris International, Inc. v. div coded, feng haung, 李吉瑞 (li ji rui), shengshi zhao*, WIPO Case No. D2025-2309), which would evidence a pattern of bad faith conduct in connection with domain names incorporating the Complainant's trademarks.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, for the transfer of the disputed domain names the Complainant must establish that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Rules provide that if the Respondent does not comply with the time periods established, or with any provision or requirement under paragraph 14 of the Rules, the panel shall proceed to a decision on the complaint and draw such inferences as it considers appropriate.

Pursuant to paragraph 15(a) of the Rules, a panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The Panel has reviewed the case and found the following:

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 names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("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 entirety of the mark is reproduced within the disputed domain names. The Panel finds the Complainant's 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.

The Panel has disregarded the gTLD ".com" in this case. See section 1.11 of the WIPO Overview 3.0, which states that the applicable gTLD is typically viewed as a standard registration requirement and, as such, disregarded under the first element confusing similarity test.

Although the addition of other terms, here "life" and "deal", may bear on the assessment of the second and third elements, the Panel finds the addition of such terms to the disputed domain names 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. See *AB Electrolux v. ID Shield Service, Domain ID Shield Service CO., Limited / Maksim, zanussi-shop.com*, WIPO Case No. D2015-2027.

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 Respondent defaulted and has failed to demonstrate (i) before any notice of the dispute, its use of, or demonstrable 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; or (ii) being commonly known by the disputed domain names, even if it had acquired no trademark or service mark rights; or (iii) 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.

Additionally, the disputed domain names resolve to the same website, purporting to be an official online retailer of the Complainant’s ZYN nicotine product in the United States by using the Complainant’s trademark 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. Such use of the disputed domain names cannot be considered a bona fide offering of goods and does not establish a right or legitimate interest on behalf of the Respondent, especially because the Respondent does not disclose accurately who is behind the website or the relationship with the trademark holder on the website. Thus, the Respondent failed to meet the requirements to establish a “bona fide offering of goods or services” within the meaning of the Policy. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903.

The Panel finds that the composition of the disputed domain names also carries a risk of implied affiliation. WIPO Overview 3.0, section 2.5.1.

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.

The Panel finds that by using the Complainant’s registered mark, official product images without authorization, claiming copyright that includes the material that belongs to the Complainant, plus sentences such as “The best-selling nicotine pouches are always a good place to start the search for new products. This page is constantly updated with the best nicotine pouches in the US”; followed by the Complainant’s product images and wording “ZYN Nicotine Pouches-All flavors”, and displaying a trademark certificate for the mark ZYN and a trademark license supposedly signed by Pinkerton Tobacco Co. LP to a third party (Annex 8 of the Complaint) alongside the information (...) “we can legally sell genuine ZYN Nicotine pouches, and all our products are from the original factory of the ZYN brand, ensuring authenticity”, the Respondent knew of the Complainant’s mark before registering the disputed domain names and has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark and giving users the false impression that it is the Complainant’s official online

retailer and has been authorized by the Complainant to use its registered mark. Such conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy. WIPO Overview 3.0, section 3.1.4.

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 available record, the Panel considered the following additional bad faith factors:

- (a) the reproduction of the Complainant's distinctive and well-reputed registered mark in its entirety with additional terms that are descriptive;
- (b) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use;
- (c) according to the case file, the Respondent's physical and email addresses appear to be incorrect or incomplete, and so is the facsimile number based on the delivery records. The Panel finds that by providing incorrect or incomplete contact details to the Registrar, the Respondent is likely in breach of the relevant Registration Agreement and intended not to be found, which leads to the assumption it was acting in bad faith when registering the disputed domain name;
- (d) absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain names. The content of the website corresponding to the disputed domain names suggests that the Respondent had targeted the Complainant.

Given the above, the Panel finds that in the circumstances of this case, the Respondent's registration and use of the disputed domain names constitutes bad faith under 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 <zyn-deal.com> and <zyn-life.com> be transferred to the Complainant.

/Paula Bezerra de Menezes/

Paula Bezerra de Menezes

Sole Panelist

Date: September 10, 2025