

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe and Philip Morris International, Inc. v.
Gui Huang, Saiouer, chen hui, Lisa Lee, and 杏妹 吴
Case No. D2025-3007

1. The Parties

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

The Respondents are Gui Huang, Saiouer, chen hui, Lisa Lee, and 杏妹 吴, China.

2. The Domain Names and Registrars

The disputed domain name <zyn-can.com> is registered with GoDaddy.com, LLC. (the "Registrar").

The disputed domain name <zynewstorebuy.com> is registered with NameCheap, Inc. (the "Registrar").

The disputed domain name <zyn-factory.com> is registered with Amazon Registrar, Inc. (the "Registrar").

The disputed domain name <zynicotinepouches.com> is registered with Tucows Domains Inc. (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 Registrars a request for registrar verification in connection with the disputed domain names. On July 29, 2025 and July 31, 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 (Registration Private, Domains By Proxy, LLC; Identity Protection Service; Contact Privacy Inc. and Redacted for Privacy / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainants on August 4, 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 on August 6, 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 Respondents of the Complaint, and the proceedings commenced on August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on September 8, 2025.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on September 12, 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.

The Panel issued Procedural Order No. 1 on October 3, 2025, to request from the Complainants the communication of certain annexes that were missing from the annexes to the Complaint and concerned the contents of the websites to which the disputed domain names resolved before the filing of the Complaint. The Complainants submitted the concerned annexes on October 20, 2025. The Respondents were given the opportunity to submit comments on the Complainants’ submissions on or before October 28, 2025. The Respondents did not submit any comments.

The Panel issued Procedural Order No. 2 on November 18, 2025, to request from the Complainants further evidence that the disputed domain names registrants are the same entity or mere alter egos of each other, or under common control. In an email dated December 2, 2025, the Complainants stated that two disputed domain names shared the same IP address as did the two others, that the website linked to the disputed domain name <zyn-can.com> referred to the disputed domain name <zynicotinepouches.com> and that the disputed domain name <zyn-factory.com> redirected to the website linked to the disputed domain name <zynicotinepouches.com>, however without submitting further evidence.

4. Factual Background

The First Complainant, Swedish Match North Europe AB, is a Swedish company primarily engaged in the business of smoke free tobacco products since 1992. The second Complainant, Philip Morris International, acquired the First Complainant in May 2022. The Panel refers to “the Complainant” in the singular form to designate both Complainants.

Among other registrations, the First Complainant is the owner of the following trademark registrations:

- United States trademark registration No. 5061008 for ZYN, registered on October 11, 2016 in class 34;
- International registration No. 1421212 for ZYN, registered on April 18, 2018 in class 34.

The disputed domain names were registered on:

- September 10, 2024 for <zynicotinepouches.com>
- December 27, 2024 for <zyn-factory.com>
- February 21, 2025 for <zyn-can.com>
- February 27, 2025 for <zynnewstorebuy.com>

At the time of filing of the Complaint, the disputed domain names <zyn-can.com>, <zyn-factory.com> and <zynicotinepouches.com> resolved to an inactive page. The disputed domain name <zynnewstorebuy.com> resolved to a website apparently operated by an entity named Whisp Horizon, offering for sale ZYN branded

pouches referred to as “best sellers”. The evidence submitted by the Complainant shows that prior to the filing of the Complaint, the disputed domain names <zyn-can.com>, <zyn-factory.com> and <zynicotinepouches.com> resolved to websites offering ZYN products. The layouts of such websites were different. Products of competitors are visible on the excerpts from the website connected to the disputed domain name <zyn-can.com> (which also reproduced the Complainant’s logo) and to a limited extent (i.e., only in a printscreen from a video on how to use nicotine pouches) on the website connected to the disputed domain name <zynnewstorebuy.com>. The website connected to the disputed domain names <zyn-factory.com> and <zynicotinepouches.com> featured the Complainant’s logo (in different formats) but did not appear to sell competing products.

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 registered trademark as they capture the entirety of its trademark and the dominant element of its trademark ZYN, with the mere adjunction of the descriptive terms “can”, “factory”, “nicotine pouches” and “new store buy”.

The Complainant further contends that the Respondents have no rights or legitimate interests in the disputed domain names. The Respondents are not licensees of the Complainant or affiliated with the Complainant in any way and the Complainant has not authorized the Respondents to include its mark in the disputed domain names. Nor has the Complainant any knowledge that the Respondents are commonly known by the disputed domain names. According to the Complainant, the Respondents cannot be viewed as a bona fide service provider. Rather, the Respondents offer for sale the Complainant’s products next to competing products from third parties. The Complainant further claims that the Respondents fail to meet the requirements set forth in *Oki Data test (Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903)* and have no rights or legitimate interests in the disputed domain names.

Finally, the Complainant contends that the Respondents have used and registered the disputed domain names in bad faith. Considering the fact that the disputed domain names resolved to websites offering goods of the Complainant, Respondents were aware of the existence of the Complainant and of its trademark when they registered the disputed domain names. The Complainant further contends that the confusing similarity between the disputed domain names and the Complainant’s trademark, together with the content of the Respondents’ websites, which feature references to the Complainant as well as original photos and the Complainant’s logo makes it likely that Internet users will be misled into believing that the Respondents’ websites are affiliated with or endorsed by the Complainant, which they are not. Finally, according to the Complainant, the Respondents have used 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 trademark as to the source, sponsorship, affiliation or endorsement of the Respondents’ websites.

The Complainant contends that it has 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 Complainant’s contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent is 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 domain name; and
- (iii) the domain name registered by the respondent has been registered and is being used in bad faith.

6.1. Formal issues

The Panel will first address the Complainants' consolidation requests.

A. Multiple Complainants

The Complaint was filed by two Complainants against four Respondents. Neither the Policy nor the Rules expressly provides for or prohibits the consolidation of multiple complainants. In this regard, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1, states as follows:

"In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

Both of the Complainants are closely connected. The Second Complainant has acquired the First Complainant in May 2022.

The Panel finds that the Complainants have a specific common grievance against the Respondents as they have a common legal interest in the trademark rights on which this Complaint is based, and it is equitable and procedurally efficient to permit the consolidation of their Complaints. The Complainants shall be referred to as the "Complainant".

B. 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.

The disputed domain name registrants did not comment on the Complainant's 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 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. [WIPO Overview 3.0](#), section 4.11.2.

In the present case, the Panel is not convinced, on the basis of the evidence on file, that the Respondents are one and the same person or that the dispute domain names are under common control.

Indeed, the disputed domain names were registered on different dates with four different Registrars. They do not share the same construction insofar as two of them reproduce the trademark ZYN entirely, followed by a hyphen and a generic term, whereas two others combine the trademark ZYN with a second term starting with a “n”, namely “new store buy” and “nicotine pouches”.

Furthermore, the Panel notes that the contents of the websites to which the disputed domain names resolved is not similar. One appears to be operated by an entity identified as Whisp Horizon, while this name is absent from the other excerpts. The layout of the other websites is different, and the logo of the Complainant is not reproduced in the same colour or with the same graphical element.

When requested to submit further evidence that the registrants of the disputed domain names are the same entity or mere alter egos of each other, or under common control, the Complainant contended that:

- The disputed domain names <zyn-can.com> and <zynicotinepouches.com> share identical IP addresses;
- The disputed domain names <zyn-factory.com> and <zynnewstorebuy.com> share identical IP addresses;
- The website linked to the disputed domain name <zyn-can.com> made reference to the disputed domain name <zynicotinepouches.com>; and that
- The disputed domain name <zyn-factory.com> redirected to the same website linked to the disputed domain name <zynicotinepouches.com>.

However, the Complainant did not submit any evidence in support of these contentions, and the Panel was not able to find such evidence in the annexes to the Complaint.

The Panel finds therefore that no element points to common control of the disputed domain named. The fact that goods of the Complainants are or were offered for sales on the websites connected to the disputed domain names is not sufficient per se to allow the Complainant to file a single complaint.

Therefore, the consolidation request is denied.

The Panel will limit its decision to one disputed domain name only, namely <zyn-can.com>.

In the sections below, the “disputed domain name” will refer to the disputed domain name <zyn-can.com>.

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 the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is 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 “can” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name 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 name. 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 name such as those enumerated in the Policy or otherwise.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolved to a website displaying the Complainant’s logo in a prominent manner at the top of each page, and featured, in the pages’ footer, a copyright notice in the name of “ZYN Pouches”, thus impersonating the Complainant. Products of the Complainant as well as products of competitors’ brands were offered for sale on such website.

According to a common view among UDRP panels, resellers or distributors using a domain name containing a complainant’s trademark to undertake sales related to the complainant’s goods may be making a bona fide offering of goods and thus have a legitimate interest in such domain name under certain conditions. [WIPO Overview 3.0](#), section 2.8.1. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the “Oki Data Test”), the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods at issue;
 - (ii) the respondent must use the site to sell only the trademarked goods;
 - (iii) the site must accurately and prominently disclose the registrant’s relationship with trademark holder;
- and
- (iv) the respondent must not try to “corner the market” in domain names reflecting trademark.

For the sake of completeness, the Panel will address the Respondent’s use under the Oki Data Test. The Panel finds that the Respondent fails to satisfy the second requirement of the Oki Data Test as the website offers competing nicotine products. Regarding the third requirement, not only does the Respondent fail to disclose its lack of official relationship with the Complainant, but it is impersonating the Complainant.

Finally, the Respondent did not file a Response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

Accordingly, the Respondent’s use of the disputed domain name does not constitute bona fide offering of goods and services.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

Given the longstanding use of the Complainant's trademark, and the circumstances of the use of the disputed domain name, the Panel finds it implausible that the Respondent chose the disputed domain name without having the Complainant's mark in mind. The Panel therefore accepts that the disputed domain name was registered in bad faith.

Under paragraph 4(b)(iv) of the Policy, the use of a disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of a web site or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith.

In the present case, the Respondent used the disputed domain name in connection with a website offering goods of the Complainant as well as goods directly competing with the Complainant's goods and displayed prominently the Complainant's logo. Such use was apt to create the false impression that the Respondent's website was operated or endorsed by the Complainant. Consequently, by using the disputed domain name in such manner, the Panel finds that the Respondent intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source and affiliation of its website. Such behavior constitutes use in bad faith under 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 name <zyn-can.com> be transferred to the Complainant.

The proceeding is dismissed regarding the disputed domain names <zynnewstorebuy.com>, <zyn-factory.com> and <zynicotinepouches.com> without prejudice to the filing of a new complaint.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: December 12, 2025