

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe AB, Philip Morris International, Inc. v. Courtney Turner, Comt  
Case No. D2025-3140

### **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 Courtney Turner, Comt, Australia.

### **2. The Domain Name and Registrar**

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 6, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (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 Complainant on August 11, 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 August 15, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 24, 2025. The Respondent sent email communications to the Center on August 21, 2025.

The Center appointed Daniel Peña as the sole panelist in this matter on October 3, 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.

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 jurisdictions as follows:

- Australian Registration No. 2318846, ZYN (word), registered on August 7, 2023;
- International Registration No. 1421212, ZYN (word), registered on April 18, 2018, designating various jurisdictions; and
- International Registration No. 1456681, ZYN (figurative), registered on December 27, 2018, designating various jurisdictions.

The disputed domain name registered on July 31, 2025, hosts a website that falsely presents itself as the official distributor of the Complainant's ZYN nicotine products in Australia, using the ZYN trademark and product imagery without the Complainant's authorization. The site, which also promotes social media accounts incorporating the ZYN mark and sells competing third-party products, lacks any disclosure of its true operator and omits acknowledgment of the Complainant's brand ownership.

#### **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 name.

Notably, the Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, the Complainant contends that the disputed domain name is confusingly similar to its ZYN trademark registrations registered in numerous jurisdictions, including, but not limited to the United States and Australia.

The disputed domain name reproduces the Complainant's ZYN trademarks in their entirety, adding the expression "aus".

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 name. 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.

The website linked to the disputed domain name falsely presents itself as the official Australian distributor of ZYN nicotine products. It uses the Complainant's registered trademark and product imagery without authorization, promotes social media accounts under the ZYN name, and offers competing third-party products—all without disclosing its true operator or acknowledging the Complainant's brand ownership. These elements collectively create a deceptive appearance of affiliation, misleading consumers into believing the site is endorsed by or connected to the Complainant.

Such use of the disputed domain name 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 name that the Respondent knew of the Complainant's ZYN trademark when registering the disputed domain name.

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 name, 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.

## **B. Respondent**

The Respondent did not submit a formal response to the Complainant's contentions but sent the following informal email communication to the Center: "I would like to inform you that we have rebranded our business to Zynau.com (this is our new website: <https://www.zynau.com/>) and we are selling in Australia. Please kindly verify by checking through an Australian IP address."

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, for the transfer of the disputed domain name the Complainant must establish that: (i) the disputed domain name 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 disputed domain name; and (iii) the disputed domain name has been registered and is 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**

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has provided evidence of its rights in the trademark ZYN based on multiple trademark registrations, including international registrations and national registrations in Australia, which is the country of the Respondent's purported domicile. The Panel finds that the Complainant has shown rights in respect of the trademarks for the purposes of the Policy (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1). The Panel finds that the disputed domain name is confusingly similar to the Complainant's ZYN trademarks.

The Respondent's incorporation of the Complainant's mark in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant's marks. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms, here, "aus", 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.

Furthermore, the gTLD, ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel is satisfied that the disputed domain name is confusingly similar to the Complainant's mark and the Complainant has satisfied the first requirement of the Policy.

#### **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.

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.

Based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization to register or use the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

Finally, the Respondent did not respond to the Complainant's contentions, but merely indicated it had moved to a new domain name.

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

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant (the owner of the trademark or service mark) or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (ii) the respondent has 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 the respondent has engaged in a pattern of such conduct; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 the respondent's website or location or of a product or service on its website or location.

In the Panel's view, a finding of bad faith may be made where the Respondent "knew or should have known" of the registration and/or use of the trademark prior to registering the disputed domain name. In this case, the Complainant submits that, at the date of registration of the disputed domain name, the Respondent would have had actual knowledge of the Complainant's mark ZYN. The Panel's bad faith finding is reinforced given the construction of the disputed domain name, which combines the mark ZYN with the geographic abbreviation "aus"—commonly understood to refer to Australia—thereby misleading consumers as to the origin or authorized distribution of the products, particularly in light of the Complainant's trademark rights in Australia.

The Panel is satisfied that by directing the disputed domain name to a commercial website impersonating the Complainant and allegedly offering the Complainant's goods, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or of the products on its website (see section 3.1.4 of the [WIPO Overview 3.0](#)). Under paragraph 4(b)(iv) of the Policy, this circumstance shall be evidence of the registration and use of a domain name in bad faith.

The Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. Thus, the third element of the Policy has been established.

### **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 <zyna.us.com> be transferred to the Complainant.

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: October 17, 2025